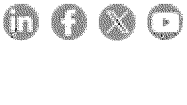
Message

From: Jackson, Ryan [Ryan_Jackson@americanchemistry.com]
Sent: 2/14/2025 8:24:25 PM
To: Abboud, Michael [abboud.michael@epa.gov]
Subject: FW: 5 pillars - and the auto sector
Attachments: Chemistry-and-Automobiles-2024.pdf; Auto Product Showcase (5).pdf

American Chemistry Council

Ryan Jackson
Vice President, Federal Affairs
O: (202) 249-6718 C: (202) 679-1469
ryan_jackson@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com



From: Jackson, Ryan
Sent: Thursday, February 13, 2025 5:54 PM
To: abboud.michael@epa.gov
Subject: FW: 5 pillars - and the auto sector

Michael, I just wanted you to have the benefit of this email as well. There may be a good opportunity to highlight with your office at some point in the future.

Additionally, you are more than welcome to come by the reception. Rayburn Foyer, March 4, noon-2pm.

Thanks,

RJ

American Chemistry Council

Ryan Jackson
Vice President, Federal Affairs
O: (202) 249-6718 C: (202) 679-1469
ryan_jackson@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com

From: Jackson, Ryan
Sent: Thursday, February 13, 2025 5:51 PM

To: 'amidon.eric@epa.gov' <amidon.eric@epa.gov>
Subject: 5 pillars - and the auto sector

Eric,

https://www.epa.gov/newsreleases/epa-administrator-lee-zeldin-announces-epas-powering-great-american-comeback

I saw the administrator's five goals and noticed #5. I wanted to provide the attached.

Additionally, this link shows the chemistries which have been the target of TSCA regulatory actions in the previous administration which are critical to automaking: https://www.americanchemistry.com/chemistry-in-america/chemistry-creates-america-competes/resources/automotive-chemistry-critical-to-national-priorities

In fact, the first week in March, ACC is holding a showcase on Capitol Hill where we and our companies bring in car parts and components so members of Congress can come by and see and talk to our chemical makers and hear about their customers and our manufacturing for the auto sector.

We do these showcases for a variety of economic sectors throughout the year. It makes our industry tangible to members of Congress and frankly the public too.

I just wanted to let you know. And when you think about TSCA you know how we are contributing to Pillar 5.

RJ

American Chemistry Council

Ryan Jackson
Vice President, Federal Affairs
O: (202) 249-6718 C: (202) 679-1469
ryan_jackson@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com

Chemistry and Automobiles

Driving the Future

May 2024

American® Chemistry Council

Executive Summary

Automobiles that are lighter weight, more fuel efficient and safer for occupants are made possible by plastics and other products of chemistry.

The North American automobile manufacturing industry represents a significant end-use market for the chemical industry. In 2023, an estimated 15.8 million passenger automobiles and light-duty trucks were produced in the United States, Canada, and Mexico and, on average, each vehicle contains nearly $4,400 in chemistry.

Compared to a decade ago, the average chemistry value per vehicle has grown by more than $1,000 (or 31%). This includes $695 in plastics and polymer composites, $679 in synthetic rubber and elastomers, $567 in semiconductors and other electronic chemicals, $329 in textiles, and $291 in fluids and lubricants, along with hundreds of dollars' worth of other products of chemistry.

The average weight of an automobile in 2023 was 4,439 pounds, up 136 pounds (3%) compared to 2022. Plastics and polymer composites account for nearly 10% (426 pounds) of the average weight, up 19% compared to a decade ago. Plastics are used in a variety of innovative ways to help make cars safer and more fuel efficient. Plastics can make vehicles more lightweight, help increase fuel efficiency and reduce carbon emissions, and help provide safety benefits like seatbelts and airbags. In addition to plastics and polymer composites, the typical vehicle includes 231 pounds of synthetic rubber, 204 pounds of fluids and lubricants, 105 pounds of textiles, and 44 pounds of coatings – all products of chemistry.

In electric vehicles (EVs), the weight of the chemistry and plastics content is significantly higher than their internal combustion engine (ICE) counterparts: a mid-size EV is likely to contain 45% more plastics and polymer composites and 52% more synthetic rubber and elastomers than a similarly sized ICE vehicle. And, with a significant increase in use of higher-value materials like carbon fiber and semiconductors, the total value of chemistry in an EV could be 85% higher than an ICE vehicle.

Innovation in the automotive industry is driven by a combination of factors including technological advancements and changing consumer preferences. The landscape of the automotive industry is changing as EVs and hybrids become a larger share of the market, and as automobiles become increasingly focused on technology. Many of the innovations in how vehicles are designed, manufactured, and used—both the vehicles of today and those of the future—are made possible by products of chemistry.

Introduction

Plastics and other products of chemistry are critical to today's automobile which, for purposes of this report, includes both passenger automobiles and light-duty trucks (pick-up trucks, minivans, and sport utility vehicles). This report presents an analysis of the volume and value of chemistry components in an average automobile produced in North America (United States, Canada, and Mexico).

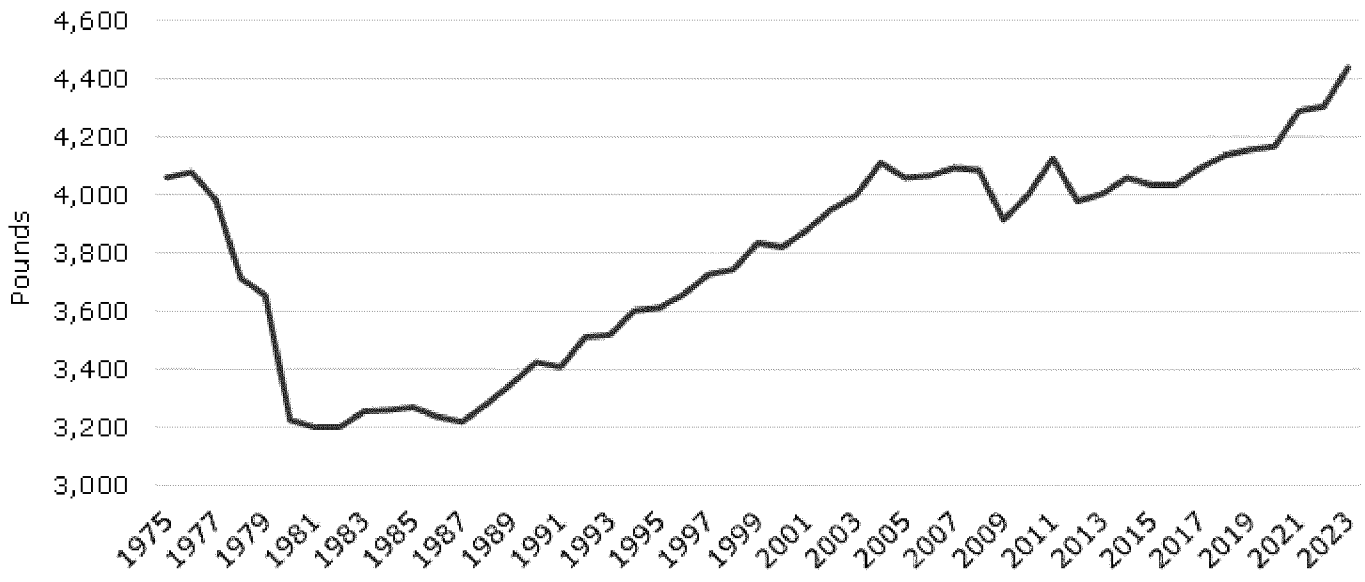
An estimated 15.8 million automobiles were produced in North America in 2023. These vehicles were manufactured by more than twenty companies and include hundreds of models. While this report attempts to quantify the chemistry content in an average automobile, it should be noted that the components of individual vehicles can vary widely.

Note: for the purposes of this report, the term "automobile" is used to refer to a class of vehicles including passenger cars (e.g., sedans, wagons, small sport utility vehicles) and light trucks (e.g., pickups, minivans, larger sport utility vehicles). The term "vehicle" is used interchangeably with "automobile" except when otherwise delineated.

Trends in Automobiles

In 2023, the average weight of a North American-manufactured automobile rose by 136 pounds (or 3.1%) to 4,439 pounds – the highest since 1975. In 1976, the average vehicle weighed 4,079 pounds, but by 1980 that figure had dropped by 20% driven by higher gas prices and the introduction of fuel economy efficiency and emissions standards. Vehicle weight averaged around 3,250 pounds through the 1980s and slowly started to increase, with an average weight

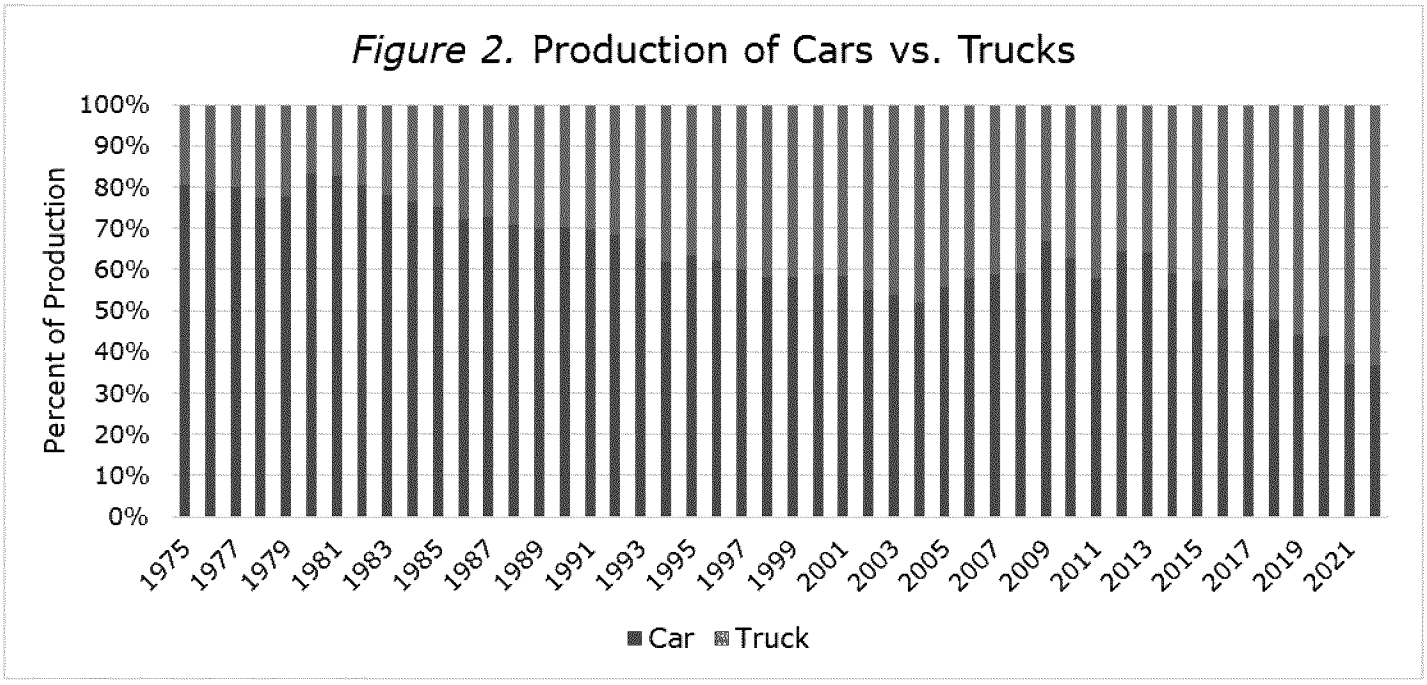
Figure 1. Average Vehicle Weight



Source: EPA

of 3,600 pounds in the 1990s. Weight continued to inch up in the 2000s and, in 2004, the average vehicle weight surpassed 4,000 pounds for the first time since 1976. The average weight hovered around 4,000 pounds through the 2010s but has increased every year since 2017.

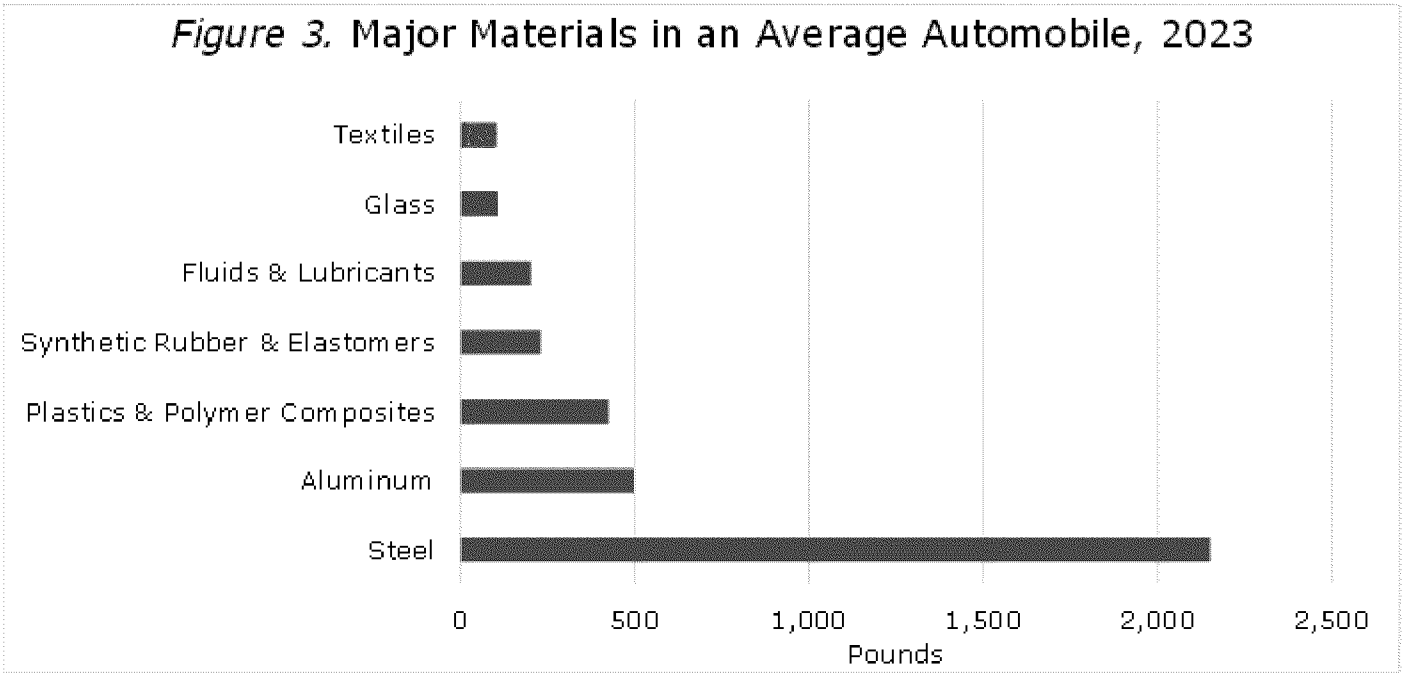
The rise and fall of average vehicle weights over time can be attributed to several factors, including consumer preferences, gasoline prices, material composition, and types of vehicles. For example, the average automobile weight began to increase in the 1990s as light-duty trucks and SUVs became a larger share of the automotive market. In fact, trucks (including larger SUVs and minivans) have continued to increase market share over the past several decades and have held more than 50% of the market since 2018. In 2022, trucks accounted for nearly two-thirds (63%) of vehicles produced in the U.S.



Source: EPA, ACC analysis

The material composition also plays a key role in the overall weight of the vehicle. Over the years, plastics and polymer composites and other lightweight materials have replaced heavier materials, such as steel and other metals, reducing the vehicle weight. All told, the fluctuations in average vehicle weight cannot be attributed to a single factor, but rather a multitude of elements reflecting the ever-changing dynamics in the automotive industry.

Figure 3. Major Materials in an Average Automobile, 2023



Automotive Chemistry

The automobile manufacturing industry represents a large share of the North American economy, totaling $367 billion in manufacturers' shipments in 2021. Motor vehicle manufacturing is also an important end-use market for the chemical industry; nearly every component of an automobile contains, or has been touched by, chemistry. In 2023, on average, every automobile manufactured for sale in North America contained $4,371 in chemistry (chemical products and processing chemicals).

Over the past decade, the average chemistry value per vehicle has grown by 31% (or $1,047). Chemistry is used in automobiles from the front bumper, which uses plastics such as polyethylene and/or polypropylene, to the taillight housing, which can made with polycarbonate, acrylonitrile butadiene styrene (ABS), and/or polybutylene terephthalate (PBT). Chemistry is a key component of automotive exteriors, such as paints and coatings, windows and windshields, and door handles. Automotive interiors such as airbags and seatbelts, seating, and dashboards are also products of chemistry.

In addition to the increased weight of chemistry in the average vehicle, the increase in the value of chemistry can also be attributed to the increased use of specialty chemistries and plastics. As vehicles become more sophisticated, and consumers look for more features, vehicle manufacturers have increasingly turned to chemistry to meet these needs.

Plastics and Polymer Composites

Automotive Applications

Lightweight plastics and polymer composites play a critical role in today's automobiles, as well as in the transition to next-generation vehicles, as they enable vehicle weight reduction that helps automakers meet increasingly stringent fuel economy standards, while enhancing safety for drivers, passengers, and pedestrians.

Today's plastics make up 50% or more of the volume of an average vehicle but less than 10% of its weight, according to ACC calculations. Weight reduction in automotive design is a key driver in boosting fuel efficiency, reducing emissions, and lowering operating costs for motorists. The performance of vehicles has improved significantly over the years: according to EPA data the average horsepower (HP) of model 2023 vehicles reached a high of 272, compared to 230 just ten years ago and 210 HP two decades ago. Average fuel efficiency (real-world miles per gallon) reached 26.9 MPG in 2023, more than double the 1975 average. Although improved engine technologies and drive trains have played a role, so have chemistry and lightweight materials.

The following are just a few examples of how plastics and polymer composites contribute to the safety, performance, and aesthetics of today's vehicles. For more detailed information on the uses and benefits of plastics and polymer composites in automobiles, visit http://www.plasticmakers.org/autos

Exterior - From bumper to bumper, plastics help keep the vehicle—and the passengers inside—safe. Bumpers made of materials such as thermoplastic olefins (TPOs), polycarbonates, polyesters, polypropylene, and polyurethanes provide impact resistance as well as design flexibility. Plastic bumpers typically contain reinforcements that allow them to be as impact resistant as possible. Plastic composites in automobile hoods can improve a vehicle's aerodynamics, while also contributing to the overall design aesthetic. Plastics also resist dents, dings, and corrosion, making them especially desirable for door panels and hoods. Additionally, plastics used in exterior components can be formulated with UV resistance and engineered to perform in extreme temperatures.

Interior - Many modern car interior parts are made with polymers, including lightweight seats, instrument panels, durable upholstery, sound control fabrics, the headliner, dash, and door panels. Instrument panels made from resins such as ABS, polycarbonates, and polypropylene allow for complex designs in items such as airbag housings, center stacks for instrument panels, and large, integrated instrument panel pieces. Consoles (e.g., armrests, cup holders, and storage spaces) would be difficult to reproduce as efficiently and with the same performance results using any family of materials other than plastics.

Design flexibility, corrosion resistance, and favorable mechanical properties make polymer composites a logical choice for upholstery and interior surfaces. Plastic car interior parts can provide similar aesthetics to natural materials with excellent scratch resistance for interior seats and surfaces. For example, many manufacturers are using artificial leather in automobiles owing to cost efficiency, aesthetic appeal, and other benefits. Automotive textiles can also utilize recycled materials, such as post-industrial fiber and post-consumer water bottles.

Safety - Many of the essential safety features in vehicles are made possible by chemistry and plastics. According to the National Highway Traffic Safety Administration (NHTSA), seat belts—which are typically made from polyester—saved nearly 15,000 lives in 2017. Air bags, which are commonly made from high-strength nylon fabric, are credited with saving 50,457 lives in the period from 1987 to 2017.

Fiber-reinforced polymer composites can absorb four times the crush energy of steel while polypropylene and polyurethane foams and other polymer composites provide additional impact protection. Advanced Driver Assistance Systems (ADAS) rely on plastic for the multitude of cameras and sensors that enable automated safety innovations, including back-up cameras and automated emergency braking systems.

Windshields, Windows & Sunroofs - North American windshields come as a multi-layer unit; the combination can be thinner, lighter, and stronger than tempered glass alone. The tear-resistant plastic layer helps both prevent occupant ejection while also preventing glass from shattering—and injuring passengers—during a crash. Plastics can provide glare prevention and UV protection, as well as sealing solutions for sunroofs and windows.

Lighting - Plastics can operate at high temperatures, making them desirable materials for headlights, fog lights and taillights. Plastic LEDs and acrylic fiber optic light tubes help make controls and instrument panels more readable. Plastics' use in safety door lighting helps alert oncoming cars of stopped roadside vehicles. Exterior lighting helps the driver see other vehicles and pedestrians, while also making the vehicle more visible to other vehicles.

Chassis - The chassis is the primary framework of an automobile, forming a base for the entire vehicle. The chassis supports the other parts of a vehicle, as well as the passengers. Plastics play a critical role in today's car chassis design, typically providing lighter weight, higher stiffness, and lower cost than traditional materials such as steel. Advanced plastics, polymer composites, and carbon fiber-reinforced plastics enable remarkable improvements in car frames. New material formulas and technology are making vehicles lighter and increasing fuel efficiency. Increased battery range and more flexible, aesthetically pleasing design are additional benefits.

Electrical - A car's electrical system used to be limited to a few components, but today's vehicles rely on electrical components for myriad functions. Plastic components are strong, light, and can withstand high temperatures and resist corrosion. Less than two decades ago, dashboards were crammed with heavy copper wiring but advances in acrylic fiber optic cables have eliminated the need for copper. This means enhanced illumination of the interior, more accurate GPS data, and highly responsive ABS sensors. Acrylic fiber-optic is used for wiring, single light sources, or light boxes; Polybutylene terephthalate (PBT) is a highly valued connector for fuel injectors.

Under the Hood - As under-the-hood conditions become more challenging, automakers and their suppliers increasingly rely on plastic car parts to help reduce weight and cost, increase parts integration, and provide for longer service life. The powertrain, a system of bearings, shafts, and gears, is one of a car's most complicated parts and plastics can help reduce the number of parts needed per component. Automakers rely on plastic's high strength-to-weight ratio combined with its anti-corrosive properties for electric vehicles and hybrid electric vehicles. Temperature resistant and thermally conductive plastics are used in heat sensitive applications, including electric vehicle battery parts and enclosures. Replacing metal components with plastics in EVs

aids in weight reduction, reduces corrosion, provides design flexibility, and helps help keep batteries safe during collisions -- and on average weigh 35% less than metal enclosures.

Compared with metal assemblies, large-format all-plastic housings enable cycle time reductions and contribute to lighter vehicle weight, thus extending the range of electric vehicles.

Table 1. Plastics & Polymer Composites in an Average Automobile (lbs./vehicle)

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Polypropylene	84	84	85	88	91	93	93	97	97	100
Polyurethane Foam	74	76	76	76	78	80	81	82	84	85
Nylon	38	38	38	39	39	39	36	40	42	45
High-Density Polyethylene (HDPE)	27	27	28	29	31	31	32	33	33	33
Polyvinyl Chloride (PVC)	27	27	27	28	29	30	30	31	31	32
Acrylonitrile Butadiene Styrene (ABS)	22	22	22	24	22	21	21	21	21	24
Polycarbonate	18	17	17	18	18	18	19	19	20	22
Phenolic Resins	11	11	11	12	12	13	13	15	15	17
Polyvinyl Butyral	6	6	6	6	6	6	6	7	7	7
Polybutylene Terephthalate (PBT)	5	5	5	5	5	5	5	6	6	5
Polymethyl Methacrylate (PMMA)	4	4	4	5	5	5	5	5	5	5
Polyacetal Resins	8	8	8	9	9	9	9	10	9	8
Other Plastics*	36	36	36	36	37	38	38	40	40	43
Plastics & Polymer Composites Total	**360**	**361**	**363**	**375**	**382**	**388**	**388**	**406**	**410**	**426**

*Other Plastics includes liquid crystal polymers, high-performance polyamides, polyphenylene ether, unsaturated polyester, and polyphenylene sulfide resins, among other small-volume plastics.
Note. See *Data and Methodology* for data sources.

Weight of Plastics & Polymer Composites in Automobiles

The average automobile contained 426 pounds of plastics and polymer composites in 2023 (9.6% of a vehicle's total weight). This is up 18% compared to a decade ago. Over a dozen major resins find significant use in automobiles, including on average 100 pounds of polypropylene (PP), 85 pounds of polyurethane foam, 45 pounds of nylon, 33 pounds of high-density polyethylene (HDPE), and 32 pounds of polyvinyl chloride (PVC).

Synthetic Rubber and Elastomers in Automobiles

The average automobile contained 231 pounds of synthetic rubber and elastomers, with an additional 75 pounds of natural rubber, in 2023. Olefinic thermoplastic elastomers, such as thermoplastic polyolefins, accounted for 55 pounds of total vehicle weight, followed by styrene-butadiene rubber (SBR) at 49 pounds. Polybutadiene use averaged 27 pounds per vehicle and polyurethane elastomers accounted for 26 pounds. While tires account for most rubber use in

vehicles, synthetic rubber and elastomers are used in a wide range of applications, including seals and gaskets, weatherstripping, mats and flooring, and hoses, among others.

The use of most synthetic rubber and elastomers has grown over the past decade, up 20%, while the weight of natural rubber in an average automobile has dropped by 11%. In general, synthetic rubber offers superior qualities compared to natural rubber, particularly in its temperature and abrasion resistance. Additionally, property-enhancing chemical additives can further improve the performance of synthetic rubber and elastomers. Tire manufacturers are also increasing their use of recycled rubber chemicals and synthetic rubber in new tire manufacturing.

Table 2. Synthetic Rubber/Elastomers in an Average Automobile (lbs./vehicle)

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Olefinic Thermoplastic Elastomers	49	49	50	50	51	52	52	53	52	55
Styrene Butadiene Rubber	41	40	40	41	43	43	43	46	46	49
Polyurethane Elastomers	23	23	22	22	23	24	24	25	25	26
Polybutadiene	21	21	21	22	23	23	24	25	25	27
Ethylene-Propylene Elastomers	19	20	19	20	21	21	21	22	22	23
Butyl Rubber	12	12	12	13	13	14	15	16	16	17
Nitrile Elastomers	6	6	6	6	6	6	6	7	7	7
Polyurethane Elastomers	22	21	21	22	23	23	24	25	25	27
Synthetic Rubber/ Elastomers Total	**193**	**192**	**191**	**196**	**203**	**206**	**209**	**219**	**218**	**231**

Note. See *Data and Methodology* for data sources.

Other Chemical Products

Numerous other products of chemistry are used in automobiles, both in the composition of the vehicle itself and in the manufacturing processes.

The average vehicle contains 204 pounds of fluids such as lubricants, engine oil, transmission fluid, antifreeze, gear oil, and windshield wiper fluids. These types of fluids contain chemistry, such as methanol in windshield wiper fluid, ethylene glycol in antifreeze, propylene glycol in engine coolants, and polyalphaolefins in synthetic lubricants. Automotive fluids often contain performance-enhancing chemical additives as well.

On average, today's automobiles contain 108 pounds of glass, an increase of 21% over the past decade. The most common type of glass—in automotive and myriad other applications—is soda-lime glass, which is primarily comprised of three chemical compounds: silica, sodium carbonate (soda ash), and calcium carbonate. Various other polymers and chemistries are used as layers and laminates to impart additional functionality to automotive glass, such as shatter-resistance, improved clarity, and UV-resistance.[i] Today's vehicles contain more glass than ever before: not only do larger vehicles require larger windshields, side windows, and sunroofs, but the surface area of windshields continues to grow as drivers desire increased visibility. Additionally, glass

can be used in dashboards and consoles, which increasingly include chemistry-enabled functionality such as touch screens.

The use of textiles (e.g., synthetic fibers, nonwovens, composites) in the average automobile was 105 pounds in 2023, an increase of 27 pounds (35%) compared to 2014. The increase is partly attributable to shifting consumer preferences for luxury-like interiors. Textiles are used throughout automobiles; in addition to the visible uses such as upholstery, flooring, and seatbelts, textiles are used in door panels and as reinforcement for tires and belts, among other applications.

The typical North American vehicle also uses an average of 45 pounds of coatings. In addition to the paint that provides color to the vehicle, coatings include primers, topcoats, and protective coatings for underbody components. A wide range of types of chemistries are used in automotive coating applications, including acrylic, melamine, polyurethanes, and thermosetting resins. As a percentage of total weight, coatings have declined slightly as coatings become thinner and application processes improve, thus reducing waste.

Table 3. Other Chemical Products in an Average Automobile (lbs./vehicle)

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Textiles	78	81	81	86	89	91	94	99	102	105
Coatings	45	44	44	45	41	42	42	45	43	44
Glass	89	91	93	94	99	100	101	106	105	108
Fluids & Lubricants	199	198	194	188	190	183	187	195	198	204
Carbon Fiber	0.3	0.3	0.3	0.4	0.4	0.4	0.4	0.5	0.5	0.5

Note. See *Data and Methodology* for data sources.
Data include revisions.

Other Automotive Materials

Since the start of the automotive industry, steel and steel alloys have comprised a large share of an automobile's weight. For much of the twentieth century, steel was the primary material used in automobile chassis and bodies. While steel can provide the strength needed in automobiles, it is also extremely dense. As such, when lightweighting of vehicles became a focus in the late 1970s to improve fuel efficiency, some steel parts were replaced by lighter metals such as aluminum which can be as much as three times lighter than steel. Other lightweight materials such as magnesium and plastics and polymer composites have also gained market share away from steel and other heavier materials such as iron and lead.

While steel still accounts for a significant portion of an automobile's weight, mild (low-carbon) steel has increasingly been replaced by lighter grades, such as high-strength steel and advanced high-strength steel (AHSS). In 2010, more than half of the steel in an automobile was mild steel, while high-strength steel and AHSS (combined) represented 39% of total steel. In 2023, an estimated 70% of an automobile's steel content was high-strength or AHSS, while mild steel accounted for less than one-third.

In addition to 2,153 pounds of steel, the average automobile contains 498 pounds of aluminum and 272 pounds of iron, as well as other metals such as zinc, copper and copper alloys, and magnesium.

Table 4. Metals Content in an Average Automobile (lbs./vehicle)

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Mild Steel	912	828	774	737	709	665	633	631	590	553
High-Strength Steel	578	603	611	655	632	685	712	694	696	680
AHSS	499	509	530	532	585	564	554	694	759	834
Other Steels & Steel Alloys	102	118	122	123	101	101	79	84	63	86
Steel (Total)	2,091	2,058	2,038	2,047	2,027	2,015	1,979	2,102	2,108	2,153
Aluminum	366	381	399	413	420	422	459	480	485	498
Iron	322	314	312	315	313	313	307	268	270	272
Magnesium	12	14	20	27	31	31	33	36	37	42
Copper and Copper Alloys	37	37	37	38	38	39	41	44	50	54
Zinc	48	48	50	51	53	54	55	57	52	53
Lead	34	33	33	31	31	30	29	28	26	25
Platinum group metals	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.02	0.02	0.02
Other metals/alloys	67	68	60	62	65	66	68	74	63	67
Metals/Alloys (Total)	**2,977**	**2,953**	**2,949**	**2,984**	**2,978**	**2,970**	**2,971**	**3,089**	**3,091**	**3,164**

Note. See *Data and Methodology* for data sources.
Data include revisions.

Table 5. Materials Content as a Percent of Total Vehicle Weight

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Steel	51.5%	51.0%	50.5%	50.0%	49.0%	48.5%	47.5%	49.0%	49.6%	49.4%
Aluminum	9.0%	9.4%	9.9%	10.1%	10.2%	10.2%	11.0%	11.2%	11.4%	11.4%
Plastics & Polymer Composites	8.9%	8.9%	9.0%	9.2%	9.2%	9.3%	9.3%	9.5%	9.5%	9.6%
Iron	7.9%	7.8%	7.7%	7.7%	7.6%	7.5%	7.4%	6.2%	6.4%	6.2%
Other Metals/Alloys	4.9%	5.0%	5.0%	5.1%	5.3%	5.3%	5.4%	5.6%	5.4%	5.5%
Synthetic Rubber/Elastomers	4.8%	4.8%	4.7%	4.8%	4.9%	5.0%	5.0%	5.1%	5.1%	5.3%
Fluids & Lubricants	4.9%	4.9%	4.8%	4.6%	4.6%	4.4%	4.5%	4.5%	4.7%	4.7%
Glass	2.2%	2.3%	2.3%	2.3%	2.4%	2.4%	2.4%	2.5%	2.5%	2.5%
Textiles	1.9%	2.0%	2.0%	2.1%	2.2%	2.2%	2.3%	2.3%	2.4%	2.4%
Natural rubber	2.1%	2.0%	2.0%	2.0%	2.0%	2.0%	1.9%	1.8%	1.8%	1.7%
Coatings	1.1%	1.1%	1.1%	1.1%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%

Note. Due to rounding, figures may not add to 100%.
See *Data and Methodology* for data sources.
Data include revisions.

The Value of Chemistry in Automobiles

The value of the chemistry content in an average automobile was $4,371 in 2023, up 31% (or $1,047) compared to a decade ago. The chemistry content includes $695 in plastics and polymer composites, $679 in synthetic rubber and elastomers, $567 in semiconductors and other electronic chemicals, $291 in fluids and lubricants, and $329 in textiles, along with hundreds of dollars' worth of other products of chemistry.

Figure 4. Value of Select Chemistries in an Automobile

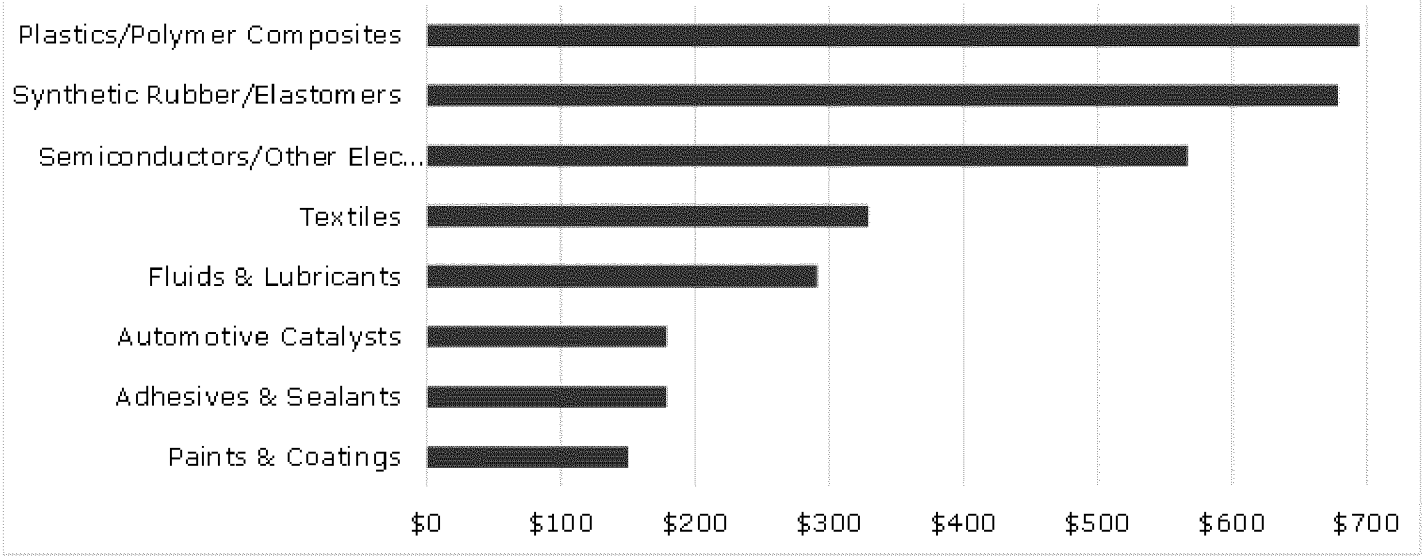


Table 6. Value of Chemistry in an Average Automobile ($/vehicle)

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Plastics & Polymer Composites	589	553	540	571	581	583	577	710	773	695
Synthetic Rubber/Elastomers	595	551	522	554	570	549	537	650	681	679
Semiconductors & Electronic Chemicals	422	413	433	396	450	480	504	540	540	567
Textiles	226	219	214	221	235	237	229	275	311	329
Fluids & Lubricants	210	209	221	240	246	267	320	314	301	291
Automotive Catalysts	164	167	168	170	171	173	175	180	182	179
Adhesives & Sealants	102	102	103	108	111	114	115	136	155	179
Paints & Coatings	114	112	111	115	104	112	112	129	148	150
Carbon Black	73	67	63	74	79	82	77	95	140	134
Plastics Compounding	70	71	75	83	85	103	108	110	130	128
Plastics Additives	85	74	69	73	83	79	73	98	106	96
Rubber Processing Chemicals	66	66	67	64	64	62	60	59	77	69
Other Chemistry*	608	588	630	664	701	747	783	847	841	875
Total Chemistry Value ($)	**$3,324**	**$3,192**	**$3,216**	**$3,333**	**$3,480**	**$3,588**	**$3,670**	**$4,143**	**$4,385**	**$4,371**

*Includes processing chemicals.
Note. See *Data and Methodology* for data sources.
Data include revisions.

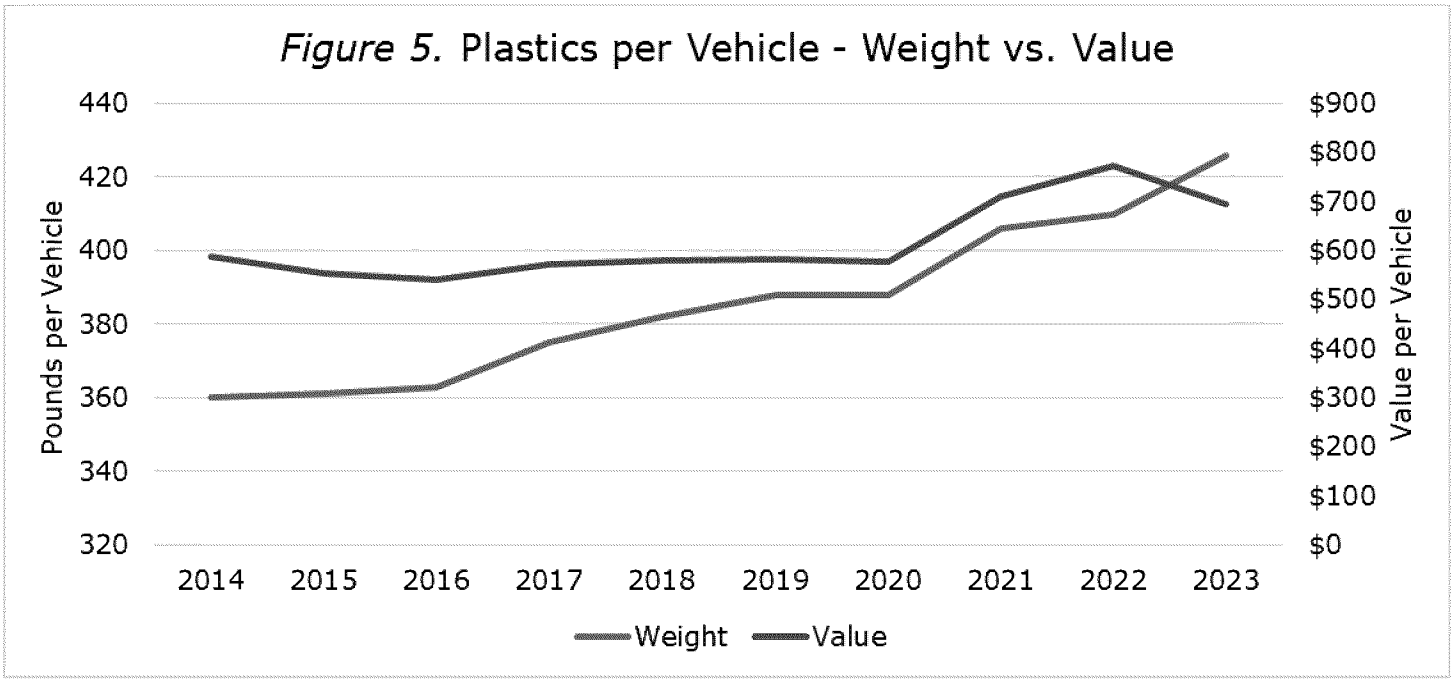
Value of Plastics & Polymer Composites

The value of plastics and polymer composites in an average automobile was $695 per vehicle in 2023, an increase of 17% compared to a decade ago, although it is slightly lower than the past two years due to higher pricing in 2021 and 2022 for many products. This includes $92 of nylon, $74 of polyurethane foam, and $58 of polypropylene. Although the value of plastics and polymer composites generally increase as the cumulative weight of the products used in a vehicle increase, the pricing of plastics and polymer composites vary year to year and are based on various factors, including feedstock availability and cost, energy costs, labor rates, and currency exchange rates, among others. As such, the trends in value of plastics and polymer composites do not always correlate with the trends in materials use.

Table 7. Average Value of Plastics & Polymer Composites ($/vehicle)

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Nylon	60	52	48	54	65	68	58	62	80	92
Polyurethane Foam	57	60	58	59	67	68	63	67	80	74
Polypropylene	74	60	49	52	61	50	46	94	79	58
Polycarbonate	35	30	30	25	28	27	29	32	38	36
ABS Resins	19	14	14	20	19	14	15	13	26	24
PVC	19	18	19	18	20	21	21	40	35	23
HDPE	28	18	19	22	26	25	17	27	27	21
All Other Plastics/Polymers	298	301	305	320	296	311	328	375	408	367
Total Plastics & Polymer Composites	**$589**	**$553**	**$540**	**$571**	**$581**	**$583**	**$577**	**$710**	**$773**	**$695**

Note. See *Data and Methodology* for data sources.
Data include revisions.



Value of Synthetic Rubber and Elastomers

The value of synthetic rubber and elastomers in an average automobile was $679 in 2023, including $133 of olefinic elastomers and $83 of polyurethane elastomers. As with other products, the value of synthetic rubber and elastomers in an average automobile is a function of volume as well as pricing for raw materials.

Table 8. Average Value of Synthetic Rubber/Elastomers ($/vehicle)

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Olefinic Thermoplastic Elastomers	98	98	100	108	107	104	120	127	122	133
Polyurethane Elastomers	69	69	69	66	67	68	72	75	78	83
Styrene Butadiene Rubber	47	30	27	38	40	33	26	35	39	37
Ethylene-Propylene Elastomers (EPDM)	29	29	24	24	26	25	24	26	28	26
Polybutadiene	25	17	18	23	24	19	17	24	27	21
Butyl Rubber	19	13	11	17	17	15	13	17	19	18
Other Synthetic Rubber	308	295	273	278	289	285	265	347	368	360
Total Synthetic Rubber/Elastomers	**$595**	**$551**	**$522**	**$554**	**$570**	**$549**	**$537**	**$650**	**$681**	**$679**

Note. See *Data and Methodology* for data sources.
Data include revisions.

Other Products of Chemistry

The automotive industry is one of the largest end users of semiconductors and other electronic chemicals, which enable a wide range of safety and performance functions in automobiles. Features which were recently limited to luxury vehicles, such as advanced driver assistance systems (ADAS), navigation systems, adaptive cruise control, in-vehicle infotainment (IVI) systems, and keyless entry, are made possible by semiconductors and electronic chemicals. An average vehicle contained $567 in semiconductors and other electronic chemicals in 2023, up 35% compared to just ten years ago.

Adhesives and sealants play a large role in the manufacturing of automobiles, from bonding body panels to attaching trim to sealing windows and doors. Chemistries used in adhesives and sealants include polyurethanes, epoxies, and acrylics, among others. Carbon black is a major component of tires, but it is also used in other elastomers such as hoses, belts, and cables, as well as in paints and coatings.

Processing Chemicals

Chemistry is a critical component to the processing of many of the materials that go into automobiles. While these products are often not present in the finished vehicle, they are integral to the production process. In addition to $69 in rubber processing chemicals, other processing

chemicals contribute $669 to the value of chemistry in an average automobile. This includes industrial gases, which are used in applications such as welding, cutting, and testing vehicle components; metalworking fluids; water treatment chemicals; and textile chemicals, among others.

Chemistry and Future of Automobiles

Electric and Hybrid Vehicles

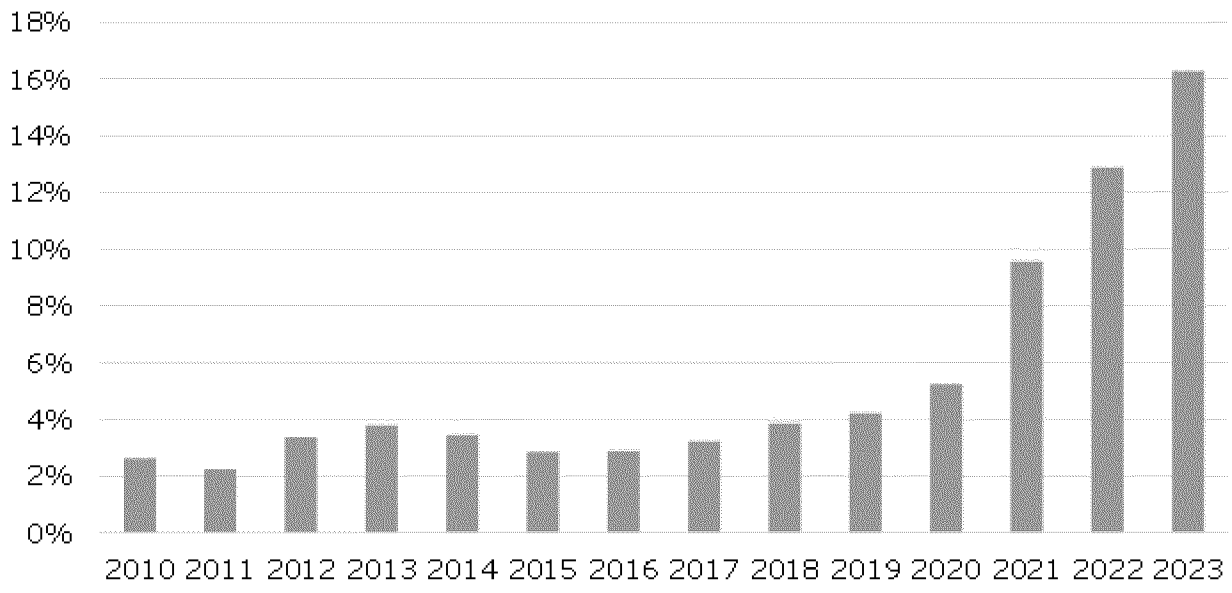
The rising popularity of hybrids, electric vehicles (EVs), plug-in hybrid electric vehicles (PHEVs), and fuel cell vehicles (FCVs) is another factor that influences statistics related to the weight and materials composition of an average automobile. In general, EVs are significantly heavier than their gasoline-powered counterparts, primarily due to the battery weight. As an example, the GMC Hummer EV's battery alone weighs around 2,800 pounds.[ii]

However, given their relatively lighter weight, plastics and polymer composites can help to offset added weight from the introduction of autonomous and advanced propulsion mechanisms, including batteries and hydrogen fuel cells. The desirable conductive properties of certain plastics and polymer composites make them sought-after materials for various components of electric vehicle batteries, including battery casings and enclosures. Additionally, plastics and polymer composites can be formulated to withstand high heat and can also reduce the risk of thermal runaway (when the battery overheats).

Since the launch of the Toyota Prius—the world's first mass-produced hybrid passenger vehicle—in 1997, the market for hybrid and electric vehicles has grown exponentially.[iii] In 2000, just over 9,000 hybrid and electric vehicles were sold in the U.S. (around 2% of sales); in 2023, hybrid and EVs accounted for more than 16% of sales (around 1.6 million vehicles).

The North American electric vehicle industry is anticipated to continue to grow in coming years, although there is little consensus on the rate of growth. The share of EVs (and hybrids) as a percent of total U.S. vehicle sales has more than quadrupled over the past decade, but it is unlikely the market will continue that growth trajectory. In the U.S., in particular, the EV/hybrid industry faces some challenges, including the need to expand the charging infrastructure and the higher prices point of most EVs as compared to their internal combustion engine (ICE) counterparts.

Figure 6. Electric Vehicles as Percent of Total U.S. Vehicle Sales



Source: U.S. Department of Energy, International Energy Agency
Note. Data reflect vehicle sales, not production. Includes hybrid vehicles.

Chemistry Content in ICE Vehicles vs. EVs

As production of EVs and hybrids increases, there will be an increased need for many chemistries and plastics, including those that have only played a minor role in the manufacture of ICE vehicles. The use of chemistries such as polycarbonates, carbon fiber, flame retardants, and electronic chemicals, used in the operations and manufacture of hybrid, PHEVs, and EVs will likely increase in the automotive industry. Based on ACC estimates, an average mid-size EV could contain 450 pounds of plastics and polymer composites—140 more than mid-size ICE vehicle—and 250 pounds of synthetic rubber and elastomers, 85 more pounds.

The use of semiconductors and electronic chemicals is also much more significant in EVs and hybrids. In addition to enabling technologies that are used in many ICE vehicles, such as navigation systems, automatic breaking, and camera systems, EVs and hybrids rely on semiconductors to manage battery systems, motor control, and power distribution, as well as to help maximize energy efficiency. In fact, according to data from USITC, "hybrid electric vehicles can contain up to $1,000" of semiconductor content and, according to Polar Semiconductor, newer EVs can have as many as 3,000 semiconductor chips compared to the 300-1,000 chips in today's average vehicle.[iv, v]

The following table shows the estimated weight, and percent of weight, of key materials in a mid-size ICE vehicle as compared to a similarly sized electric vehicle. The biggest difference in the weight of the vehicles is the weight of the battery, which can account for 25% of an EVs

weight compared to less than 2% of an ICE vehicle's weight. An EV battery is actually a battery pack containing hundreds—or thousands—of individual battery cells. There are various types of batteries used in electric vehicles; some of the most common include lithium-ion batteries, nickel-metal hydride batteries, and lead-acid batteries. As such, metals such as lithium, nickel, manganese, and cobalt, which have minimal (to no) use in ICE vehicles, have a significant presence in many EVs. However, companies continue to innovate and explore other battery materials, which will impact the need for various materials. For example, Northvolt, a company based in Sweden, recently developed a sodium-ion battery and some domestic manufacturers are starting to use lithium iron phosphate (LFP) batteries.[vi]

EV Battery Materials

The primary components in an EV battery are the electrodes, the electrolyte, the separator, and the housing (or casing). The cathode (positive electrode) and anode (negative electrode) carry the electric current that powers the vehicle and account for the bulk of the battery's weight (between 40-75% depending on the specific battery). The anode is typically made of graphite (or graphite materials) and the primary material in the cathode is a metal oxide. The specific metals are what determines the type of battery: in a lithium-ion battery, common cathode materials include lithium cobalt oxide, lithium manganese oxide, lithium iron phosphate, and lithium nickel manganese cobalt oxide; in a nickel-metal hydride battery, the cathode is nickel hydroxide; and in a lead-acid battery, the cathode is lead dioxide.

The electrolyte is the conductive material through which the electrodes flow. In a lithium-ion battery, the electrolyte is generally a lithium salt dissolved in a solvent; as with the cathodes, the materials used in electrolytes vary depending on the type of battery. The separator is a physical barrier to separate the cathode from the anode and is often made of plastic such as polyethylene or polypropylene. The housing (or casing) protects the inner workings of the battery and is generally made of steel or aluminum.[vii]

Other metals like copper and magnesium play a much larger role in the manufacture of EVs than their ICE counterparts: an average EV could contain over 200 pounds of copper compared to 35 pounds in an ICE vehicle. According to the Copper Development Association Inc., in addition to batteries, EVs use copper in electric motors, inverters, and wiring. In fact, "a pure electric vehicle can contain more than a mile of copper wiring in its stator windings."[viii] Magnesium can be used in EV batteries but also in the body of a vehicle as it is a lightweight metal.

Carbon fiber is another material that is has significant use in EVs. Carbon fiber is five times stronger than steel, but significantly lighter, making it a good material for structural components of EVs, such as chassis and body panels. Carbon fiber is often blended with plastic resins such as PVC or epoxy to create carbon fiber reinforced polymers (CFRP), or carbon fiber composites. These composites often have qualities that are superior to carbon fiber alone, such as corrosion resistance and moldability.

Table 9. Materials in an Average Mid-Size ICE vs. EV (lbs./vehicle)

	Mid-Size ICE Vehicle		Mid-Size EV	
	Pounds	**% of Total**	**Pounds**	**% of Total**
Total Vehicle Weight	**3,300**		**4,500**	
Battery Weight	40	1.2%	1,100	24.4%
Steel	1,580	47.9%	1,800	40.0%
Aluminum	380	11.5%	650	14.4%
Plastics & Composites	310	9.4%	450	10.0%
Synthetic Rubber/Elastomers	165	5.0%	250	5.6%
Fluids and Lubricants	150	4.5%	60	1.3%
Iron	250	7.6%	190	4.2%
Textiles	80	2.4%	110	2.4%
Glass	80	2.4%	110	2.4%
Natural rubber	70	2.1%	55	1.2%
Coatings	40	1.2%	50	1.1%
Magnesium	25	0.8%	40	0.9%
Copper	35	1.1%	215	4.8%
Zinc	45	1.4%	60	¤ 1.3%
Lead	25	0.8%	15	0.3%
Carbon Fiber/Graphite*	0.3	0.0%	210	4.7%
Lithium	-	-	50	1.1%
Nickel	-	-	55	1.2%
Manganese	-	-	55	1.2%
Cobalt	-	-	55	1.2%
Other Materials	65	2.0%	19	0.4%

*Both carbon fiber and graphite are forms of carbon; sometimes these materials are used as a composite with other materials. As such, for this analysis, the volume and value of carbon fiber and graphite materials is combined.
Note. See *Data and Methodology* for data sources.
It should be noted that the data in this table is intended to be representative of a mid-sized ICE vehicle and a mid-size EV and is not comparable to data on average weights presented in presented elsewhere in this report.

Value of Chemistry in EVs

In addition to containing more plastics and other products of chemistry by weight, the value of chemistry content in an EV is estimated to be nearly twice that of a similarly sized ICE vehicle. Materials such as semiconductors and carbon fiber (and composites) are expensive and contribute significantly to the value of chemistry in an EV: a mid-size EV could contain $1,000 in semiconductors and electronics chemicals—more than twice its ICE counterpart—and nearly $1,500 in carbon fiber, which accounts for perhaps $10 in chemistry value in an ICE vehicle.

Additionally, a mid-size EV could contain $730 in plastics and polymer composites, $730 in synthetic rubber and elastomers, and $180 in adhesives and sealants. All told, the chemistry value in a mid-size EV could be nearly $6,000 – 85% more than a mid-size ICE vehicle.

Figure 7. Materials Comparison
Difference Between EV and ICE Vehicles

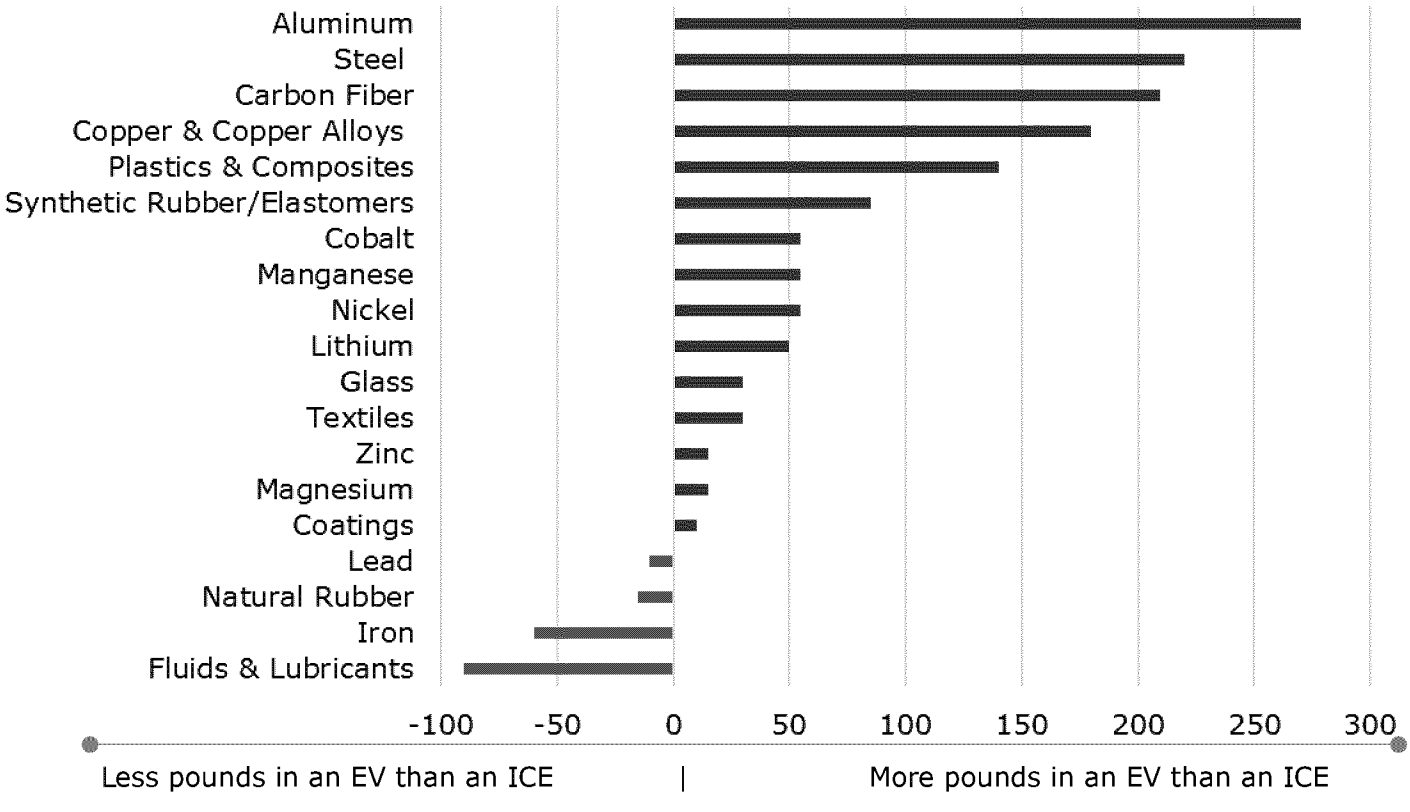


Table 10. Estimated Value of Chemistry in an Average Mid-Size ICE vs. EV ($/vehicle)

	Mid-Size ICE	Mid-Size EV
Plastics & Polymer Composites	500	730
Synthetic Rubber/Elastomers	490	730
Semiconductors & Electronic Chemicals	420	1,000
Carbon fiber	10	1,470
Textiles	250	340
Fluids & Lubricants	210	90
Automotive Catalysts	130	50
Adhesives & Sealants	130	180
Paints & Coatings	140	170
Plastics Compounding	90	140
Plastics Additives	70	100
Rubber Processing Chemicals	50	80
Other Chemistry	750	870
Total Chemistry Value ($)	**$3,240**	**$5,950**

Note. See *Data and Methodology* for data sources.
It should be noted that the data in this table is intended to be representative of a mid-sized ICE vehicle and a mid-size EV and is not comparable to data on average weights presented in presented elsewhere in this report.

Autonomous Vehicles

While fully autonomous vehicles have not yet infiltrated the automobile market, many of today's vehicles include semi-autonomous features, such as lane-keeping systems and adaptive cruise control. The cameras and sensors that enable these features use plastics in wiring, harnesses, and connectors—as well as in the cameras and sensors themselves.

Plastics contribute to enhanced safety in self-driving cars, enabling seat belts, airbags, side-curtain bags, windshield inner-layers, pedestrian collision protection safety features, and padded dashes. Brake boosters can be programmed to stop the vehicle and telematics, the coordination between cellular and GPS signals, will need weather resistant composite materials for connection harnesses, housings, and wiring.[ix] Indeed, chemistry will remain a critical element in vehicles of the future.

EV Infrastructure

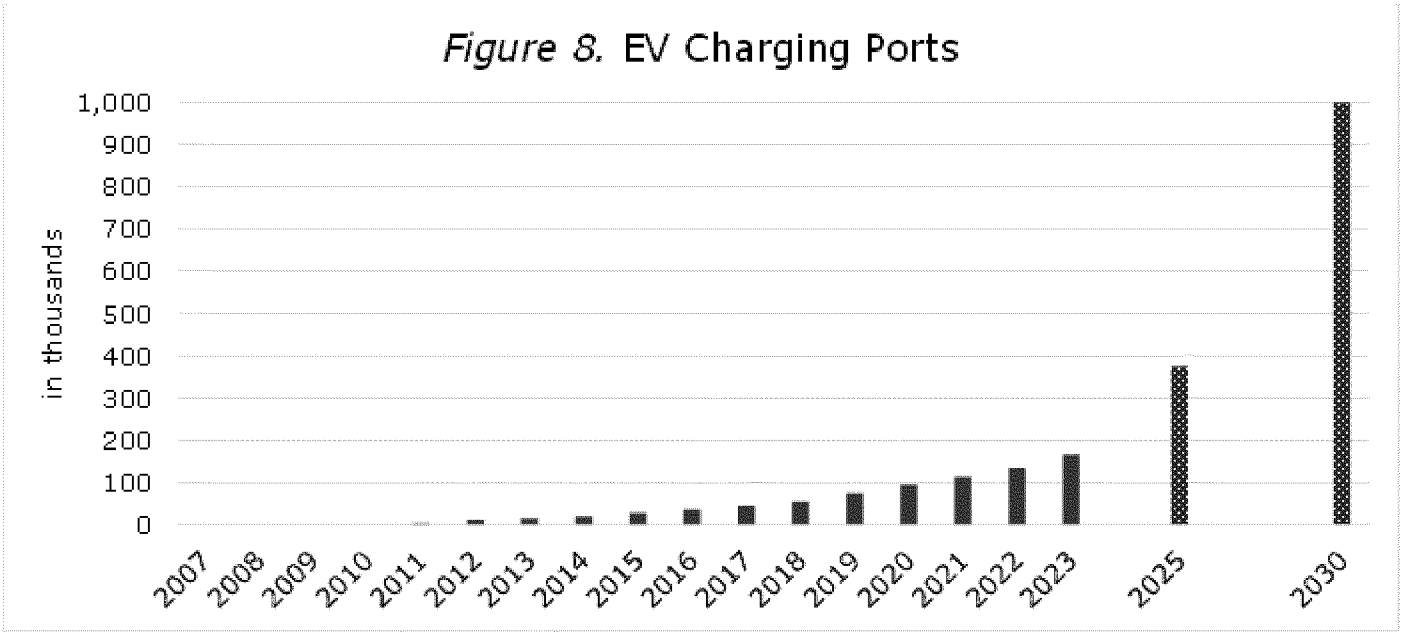
In addition to the chemistry and plastics used directly in electric and hybrid vehicles, chemistry is a key component of the associated infrastructure needed to keep electric vehicles (and plug-in hybrids) on the road. Plastics and other products of chemistry are used for a wide array of components within the larger structure of alternative fueling stations and electric vehicle charging ports, such as charger housings, covers over front displays or touchscreens, lenses, connectors, light guides, wiring, and other components.

The housing for the charging station, or the external structure, protects the power source. Because charging stations tend to be located outside, properties such as UV resistance, the ability to withstand both high and low temperatures, water resistance, and impact resistance are essential. Polybutylene terephthalate (PBT), which has excellent electrical capabilities and low moisture absorption, is commonly used in EV charger housing.

Polycarbonate, which offers glass-like transparency, is used in touchscreens and displays, as well as lighting. The charging gun, which connects the vehicle to the power source, may use advanced nylon polymers which can be formulated with chemical and UV resistance, as well as flame retardant characteristics.

As use of EVs and hybrids continues to grow, the need for EV charging ports will also increase. National Renewable Energy Laboratory (NREL), in the report *The 2030 National Charging Network: Estimating U.S. Light-Duty Demand for Electric Vehicle Charging Infrastructure*, estimated there could be more than one million publicly accessible EV charging ports in the U.S. by 2030, which is six times the number of publicly accessible EV charging ports in 2023.[x] And as the need for EV charging ports increases, so will the chemicals and polymers used to make them.

Figure 8. EV Charging Ports



Source: National Renewable Energy Laboratory

Conclusion

The automotive industry's pursuit of lighter, more fuel-efficient, and safer vehicles is greatly enabled by the use of plastics and other products of chemistry. In today's average automobile, plastics and polymer composites generally make up 50% or more of the volume of but less than 10% of the weight. Chemistry also plays a pivotal role as electric vehicles and hybrids become a larger share of the automobile market.

The chemistry value in an average automobile was nearly $4,400 in 2023, up 31% compared to a decade ago. With over 15.8 million passenger automobiles and light-duty trucks manufactured for sale in the United States, Canada, and Mexico, the chemistry value in the North American automobile market reached nearly $70 billion in 2023. However, the value of chemistry in an EV could be as much as 85% higher than an ICE vehicle, suggesting the value of chemistry in the automobile market could increase significantly as more EVs and hybrids enter the market.

Many of the innovations in how vehicles are designed, manufactured, and used—both the vehicles of today and those of the future—are made possible by products of chemistry. As the automotive industry continues to evolve, plastics and other products of chemistry will enable manufacturers to respond to advances in automotive technology and changing consumer preferences.

Data and Methodology

This report presents the results of updated data and methodology regarding the primary materials, particularly the products of chemistry, used in the manufacture of automobiles in North America (the United States, Canada, and Mexico). For the purposes of this analysis, the term "automobile" includes passenger automobiles and light-duty trucks. Since the size, components and features of automobiles vary significantly, this report presents estimated data based on an average automobile.

For many years, the American Chemistry Council (ACC) published an annual *Chemistry and Light Vehicles* report, built upon research on automotive high-tech materials initiated during the 1980s by Dr. TK Swift, who has since retired from ACC. This report, which is in its second year of publication, is not an update to the previously published reports; rather, it is a new analysis of the chemistry and other materials used in the manufacture of automobiles using updated data sources and methodology. As such, the tables and figures in this report are not comparable to data included in the *Chemistry and Light Vehicles* reports.

This report presents analyses of the materials volume and value in automobiles from 2010 through 2023. Production volumes are based on data from United States Department of Transportation's National Transportation Statistics (NTS), the Canadian Vehicle Manufacturers' Association, and the National Institute of Statistics and Geography (INEGI) supplemented by data and information from the Alliance for Automotive Innovation, the International Organization of Motor Vehicle Manufacturers (OICA), and S&P Global.

Data on materials composition and weight were developed from a range of industry sources including ACC's Plastics Industry Producers Statistics Group, the Aluminum Association, the American Coatings Association, the American Iron and Steel Institute (AISI), Fortune Business Insights, Glass.com, the Association of the Nonwoven Fabrics Industry (INDA), the International Copper Association, the International Organization of Motor Vehicle Manufacturers (OICA), Kloeckner Metals Corporation, Lenntech Water Treatment, Markham Metals, S&P Global, the U.S. Department of Energy, the U.S. Geological Survey (USGS), and the U.S. Tire Manufacturer Association.

Data on the value of chemistry per vehicle were developed based on data and information from sources including ChemAnalyst, Federal Reserve Economic Data, FocusEconomics, NexantECA, S&P Global, the Semiconductor Industry Association (SIA), the U.S. Geological Survey (USGS), and the U.S. International Trade Commission (USITC), as well as various industry and trade publications.

The methodology used to develop weights and values for individual components varied based on the available data. In some instances, there were existing data (or range of data) on the weight and value of a given material in an average automobile. In other instances, data was only available for one aspect (weight or value) and then that data was used to develop the other data point, often using supplemental data. For some materials, only data for the given industry as a whole was available; in those instances, the industry level data was compared to the automotive

industry data to develop a per-vehicle figure. The final data includes reasonable assumptions and estimates.

In developing data to compare the materials components of internal combustion engine (ICE) vehicles with the materials components of electric vehicles (EVs), estimates were developed based on the footprint of a hypothetical mid-size vehicle. Since the materials components of EVs vary widely among models and historic data on EVs is limited, these figures are intended to be representative in nature and do not reflect any specific make or model.

Considerable effort has been made in the preparation of this publication to provide the best available information. However, neither the American Chemistry Council, nor any of its employees, agents or other assigns makes any warranty, expressed or implied, or assumes any liability or responsibility for any use, or the results of such use, of any information or data disclosed in this material.

ACC's Economics & Data Analytics Department

The Economics & Data Analytics Department provides a full range of statistical and economic analysis and services for ACC and its members and other partners. The group works to improve overall ACC advocacy impact by providing statistics on the chemical industry as well as preparing information about the economic value and contributions of the chemical industry to the economy and society.

The lead author of this report was Heather Rose-Glowacki, Senior Director, Industry Intelligence & Analysis.

Department Staff

Martha Gilchrist Moore
Chief Economist & Managing Director
202.249.6182
martha_moore@americanchemistry.com

Keith Belton
Senior Director, Policy Analysis & Statistics
202.249.6219
keith_belton@americanchemistry.com

David Lan
Director, Policy Analysis & Statistics
202.249.6188
david_lan@americanchemistry.com

Heather Rose-Glowacki
Senior Director, Industry Intelligence & Analysis
202.249.6184
heather_rose@americanchemistry.com

Emily Sanchez
Director, Economics & Data Analytics
202.249.6183
emily_sanchez@americanchemistry.com

End Notes:

[i] Automotive glass presents unique challenges for manufacturing and recycling (acs.org)
[ii] https://insideevs.com/news/668428/hummer-ev-battery-teardown-reveals-excessive-complexity-weightGMC Hummer EV Battery Teardown Reveals Excessive Complexity, Weight (insideevs.com)
[iii] https://global.toyota/en/prius20th/evolution/
[iv] The Automotive Semiconductor Market: Key Determinants of U.S. Firm Competitiveness (usitc.gov)
[v] https://polarsemi.com/blog/blog-semiconductor-chips-in-a-car/
[vi] Northvolt develops state-of-the-art sodium-ion battery
[vii] EV Batteries: How They're Made, Managed, Discarded, and More (justenergy.com)
[viii] https://www.copper.org/publications/pub_list/pdf/A6192_ElectricVehicles-Infographic.pdf
[ix] https://www.automotiveplastics.com/mobility-trends/autonomy/
[x] https://www.nrel.gov/docs/fy23osti/85970.pdf

ACC, ACD, ACI, and ACS
present an

AUTO PRODUCT SHOWCASE

Join us and learn how chemistry makes cars safer, more lightweight, and more fuel efficient.

March
Tuesday | 4 | 12pm to 2pm
2025

Rayburn Foyer

In coordination with the Congressional Chemistry Caucus.

Event designed to comply with House and Senate Ethics Rules.

Please RSVP to
holly_halsey@americanchemistry.com.

Message

From: Jackson, Ryan [Ryan_Jackson@americanchemistry.com]
Sent: 2/24/2025 8:40:23 PM
To: McIntosh, Chad [mcintosh.chad@epa.gov]
Subject: RE: Invitation for Administrator Zeldin

The absolute man. Just wanted you to be aware. And never a problem.

American Chemistry Council

Ryan Jackson
Vice President, Federal Affairs
O: (202) 249-6718 C: (202) 679-1469
ryan_jackson@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com

RESPONSIBLE CARE

From: McIntosh, Chad <mcintosh.chad@epa.gov>
Sent: Monday, February 24, 2025 3:39 PM
To: Jackson, Ryan <Ryan_Jackson@americanchemistry.com>
Subject: Re: Invitation for Administrator Zeldin

Thanks Ryan — Aaron is the man. Sorry about the slow call back.

Get Outlook for iOS

From: Jackson, Ryan <Ryan_Jackson@americanchemistry.com>
Sent: Monday, February 24, 2025 2:58:39 PM
To: Voyles, Travis <voyles.travis@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>
Subject: FW: Invitation for Administrator Zeldin

I wanted you to be aware of our invitation.

I connected with Aaron to get in the queue last week, but just wanted to make you aware. Thanks.

RJ

American Chemistry Council

Ryan Jackson
Vice President, Federal Affairs
O: (202) 249-6718 C: (202) 679-1469
ryan_jackson@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002

www.americanchemistry.com

From: Jackson, Ryan
Sent: Thursday, February 20, 2025 5:17 PM
To: Amidon.Eric@epa.gov; Dickerson.Aaron@epa.gov
Cc: White, Kimberly <Kimberly_White@americanchemistry.com>
Subject: Invitation for Administrator Zeldin

Eric and Aaron,

I wanted to extend an invitation from our President and CEO to the administrator to deliver remarks at one of ACC's largest conferences, Global Chem.

It is a conference of government affairs, regulatory affairs, practitioners, communicators and others all working in the chemical manufacturing sector.

The keynote timing in our agenda current is the morning of April 15. **However**, our conference runs April 14 to April 16 at noon. We can accommodate the administrator's scheduling accordingly and host him any of those days. The event is at the Grand Hyatt in downtown Washington DC at 10th and H Street, NW.

With the new administration, our participants would like to hear about his priorities and how the domestic chemical manufacturing sector can contribute. Taking from the 5 pillars speech, new policies to help permit new and innovative chemistries and basing regulations on the best science only ensures that the he US domestic chemical manufacturing sector remains one of the safest, cleanest and innovative in the world continuing to produce the raw materials and resources necessary to support energy dominance, new auto manufacturing in the U.S., among many other domestic manufacturing goals. The chemical manufacturing sector is here to help you achieve the administrator's goals.

I appreciate the consideration. Please contact me with any questions at 202-679-1469.

RJ

Ryan Jackson
Vice President, Federal Affairs
O: (202) 249-6718 C: (202) 679-1469
ryan_jackson@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com

Message

From: Jackson, Ryan [Ryan_Jackson@americanchemistry.com]
Sent: 2/20/2025 10:16:58 PM
To: Amidon, Eric [Amidon.Eric@epa.gov]; Dickerson, Aaron [dickerson.aaron@epa.gov]
CC: White, Kimberly [kimberly_white@americanchemistry.com]
Subject: Invitation for Administrator Zeldin
Attachments: L. Zeldin GlobalChem 2025 Invitation - Final.pdf

Eric and Aaron,

I wanted to extend an invitation from our President and CEO to the administrator to deliver remarks at one of ACC's largest conferences, Global Chem.

It is a conference of government affairs, regulatory affairs, practitioners, communicators and others all working in the chemical manufacturing sector.

The keynote timing in our agenda current is the morning of April 15. **However**, our conference runs April 14 to April 16 at noon. We can accommodate the administrator's scheduling accordingly and host him any of those days. The event is at the Grand Hyatt in downtown Washington DC at 10th and H Street, NW.

With the new administration, our participants would like to hear about his priorities and how the domestic chemical manufacturing sector can contribute. Taking from the 5 pillars speech, new policies to help permit new and innovative chemistries and basing regulations on the best science only ensures that the he US domestic chemical manufacturing sector remains one of the safest, cleanest and innovative in the world continuing to produce the raw materials and resources necessary to support energy dominance, new auto manufacturing in the U.S., among many other domestic manufacturing goals. The chemical manufacturing sector is here to help you achieve the administrator's goals.

I appreciate the consideration. Please contact me with any questions at 202-679-1469.

RJ

American Chemistry Council

Ryan Jackson
Vice President, Federal Affairs
O: (202) 249-6718 C: (202) 679-1469
ryan_jackson@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com

American Chemistry Council | GlobalChem℠ GLOBAL CHEMICAL REGULATIONS CONFERENCE

February 20, 2025

The Honorable Lee Zeldin
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Re: Invitation to be the Keynote Speaker for the 2025 GlobalChem Conference

Dear Administrator Zeldin:

On behalf of the American Chemistry Council (ACC), I invite you to be the keynote speaker during the opening session of the 2025 GlobalChem Conference and Exhibition, being held at the Grand Hyatt Hotel in Washington, DC from 9:00 a.m. – 10:00 a.m. on April 15, 2025. If this date and time presents a challenge for your schedule, we could also accommodate your keynote during another portion of GlobalChem. For nearly 40 years, the ACC has hosted GlobalChem to serve as the premier policy and regulatory platform where government officials, industry experts, academia and stakeholders gather annually to exchange ideas, insights, and expertise on domestic and international chemicals management.

GlobalChem's theme this year is focused on "Empowering Chemical Innovation through Regulatory Clarity" and we would welcome the opportunity to hear from you about the EPA's Powering the Great American Comeback Initiative, and how stakeholders can best work with EPA as it carries out its mission. GlobalChem has historically drawn 250 – 300 attendees and participants regularly have included EPA leadership and career level staff; representatives from other federal agencies like the Department of Defense and the Department of Energy; as well as global regulatory representatives from Canada, Europe, Asia, India and Latin America. Representatives of the trade press also typically attend.

We have valued EPA's engagement in previous GlobalChem conferences and hope you can join us. If we can provide you or your staff with any additional information, please contact me or reach out to Dr. Kimberly Wise White, Vice President of Regulatory and Scientific Affairs (email: Kimberly_White@americanchemistry.com; phone: 202-249-6707). We look forward to hearing back from you on your availability to join us at GlobalChem 2025.

Sincerely,

Chris Jahn
President and CEO
American Chemistry Council

Message

From: Jackson, Ryan [Ryan_Jackson@americanchemistry.com]
Sent: 3/11/2025 10:19:08 PM
To: Brown, Ashley [Brown.Ashley@epa.gov]; Dickerson, Aaron [dickerson.aaron@epa.gov]; Amidon, Eric [Amidon.Eric@epa.gov]
Subject: Meeting request for the Administrator - American Chemistry Council
Attachments: ACC Request for Meeting with EPA Administrator Zeldin - March 2025.pdf

All –

On behalf of the American Chemistry Council's President and CEO, we request a meeting with the administrator at the EPA to raise opportunities and to help achieve his Great American Comeback Initiative.

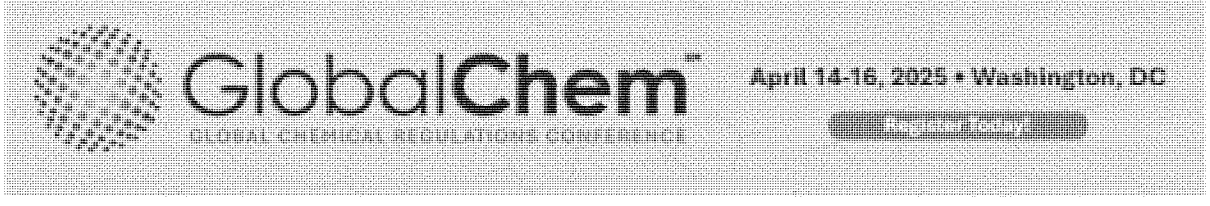
Attached is a copy of our request letter. ACC and key member companies CEOs on our board of directors wish to attend. I would be happy to answer any questions and work with you to reach a convenient time.

Thank you as always,

Ryan Jackson

American Chemistry Council

Ryan Jackson
Vice President, Federal Affairs
O: (202) 249-6718 C: (202) 679-1469
ryan_jackson@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com



March 11, 2025

The Honorable Lee Zeldin
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Re: Request for a Meeting with American Chemistry Council Membership

Dear Administrator Zeldin:

On behalf of the American Chemistry Council (ACC), I would like to request a meeting so that members of our Board of Directors and I can discuss how the chemical industry contributes to each pillar of the EPA's Powering the Great American Comeback Initiative and how we can help with the success of that initiative, the industry's engagement on issues currently before the Environmental Protection Agency (EPA), and upcoming opportunities.

ACC represents more than 190 companies engaged in all aspects of the business of chemistry, from the largest corporations to the smallest, and everything in between. EPA is the chemical industry's primary regulator, and for years we have been privileged to work with the Agency as it has worked to advance its mission, including the implementation of the 2016 amendments to the Toxic Substances Control Act. Our industry also regularly engages with the Agency on policies ranging from air quality to facility security.

As a component of membership, all ACC members implement Responsible Care®, the chemical industry's world-class environmental, health, safety and security performance initiative. For more than 35 years, Responsible Care has enabled ACC members to build a reputation for strong leadership, driving safety and performance, and developing and implementing solutions to challenges. Our members are the people and companies creating the products that are improving the world by making it healthier, safer and more productive.

I am grateful for the opportunity to continue working with the Agency under your leadership, and we would welcome the opportunity to meet with you regarding chemistry's critical link to new domestic manufacturing. I look forward to hearing from you and Ryan Jackson, ACC's Vice President of Federal Affairs, will follow up with your team. Please also feel free to contact him at (202) 679-1469 or ryan_jackson@americanchemistry.com if you have any questions.

Sincerely,

Chris Jahn
President and CEO
American Chemistry Council

700 Second Street NE, Washington DC 20002 | 202.249.7000 | americanchemistry.com

Message

From: McIntosh, Chad [mcintosh.chad@epa.gov]
Sent: 2/26/2025 1:16:26 PM
To: Jackson, Ryan [Ryan_Jackson@americanchemistry.com]; Voyles, Travis [voyles.travis@epa.gov]; Donahue, Sean [donahue.sean@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]
Subject: Re: meeting request

Of course,

Get Outlook for iOS

From: Jackson, Ryan <Ryan_Jackson@americanchemistry.com>
Sent: Wednesday, February 26, 2025 7:40:42 AM
To: McIntosh, Chad <mcintosh.chad@epa.gov>; Voyles, Travis <voyles.travis@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: meeting request

> **Caution:** This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Gentlemen, I wanted to check with you if you had an opportunity over the next two and a half weeks to meet about some manufacturing updates and contributions to the administrator's pillars priorities.

I may ask some colleagues to join me. If you could send me some convenient times for a meeting for you, I'll weave together and propose a common meeting time.

Thanks,

RJ

American Chemistry Council

Ryan Jackson
Vice President, Federal Affairs
O: (202) 249-6718 C: (202) 679-1469
ryan_jackson@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com

Message

From: Jackson, Ryan [Ryan_Jackson@americanchemistry.com]
Sent: 2/27/2025 7:11:26 PM
To: Zeldin, Lee [Zeldin.Lee@epa.gov]
CC: Amidon, Eric [Amidon.Eric@epa.gov]; Dickerson, Aaron [dickerson.aaron@epa.gov]; Hope, Brian [Hope.Brian@epa.gov]; Eisenberg, Ross [Ross_Eisenberg@americanchemistry.com]; Parker, Kyle [Kyle_Parker@americanchemistry.com]
Subject: Opportunity for withdrawal of 18 proposed regulations while encouraging new domestic manufacturing - American Chemistry Council
Attachments: Attachment B – ACC Comments Submitted to Docket No. EPA-HQ-OPPT-2023-0245.pdf; Attachment D – Cherokee Concerned Citizens v. EPA_ Unopposed Motion For Voluntary Remand_9-23-24.pdf; 2025_0227 Ltr EPA SNUR withdrawal.pdf; Attachment A – EPA Proposed SNURs 23-2.5e_6-20-23.pdf; Attachment C - Section 5(e) order_08-25-2022.pdf

Administrator Zeldin,

I wanted to forward an electronic copy of a letter from ACC's President and CEO suggesting the withdrawal of 18 proposed regulations.

The proposed significant new use rules from the Biden administration detailed in the attached letter and further attachments have and will continue to impede new innovations in advanced recycling projects which is a viable way to address plastic pollution and waste. Without these proposed regulations, re-manufacturing plastic through advanced recycling – instead of simply wasting it – strengthens our domestic supply chain, creates jobs, and reduces our environmental footprint. Withdrawing these regulations represents an opportunity for the U.S. to lead and will be a substantial step helping comply with Executive Order 14192, *"Unleashing Prosperity Through Deregulation."*

We appreciate the consideration and the opportunity to work with the Agency to answer questions about this information.

Thank you,

American Chemistry Council

Ryan Jackson
Vice President, Federal Affairs
O: (202) 249-6718 C: (202) 679-1469
ryan_jackson@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com

February 27, 2025

Honorable Lee Zeldin, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 1101A
Washington, DC 20460

Re: Request to withdraw proposed significant new use rules (SNUR) on 18 chemical substances (Docket EPA-HQ-OPPT-2023-0245)

Dear Administrator Zeldin,

The American Chemistry Council (ACC) respectfully requests the withdrawal of the 18 proposed significant new use rules (SNURs) published at 88 Fed. Reg. 39804 (June 20, 2023). These SNURs were issued in response to 18 Premanufacture Notices (PMNs), for the following substances:

P-21-144 (40 CFR 721.11781), P-21-145 (40 CFR 721.11782), P-21-146 (40 CFR 721.11783), P-21-147 (40 CFR 721.11784), P-21-148 (40 CFR 721.11785), P-21-149 (40 CFR 721.11786), P-21-150 (40 CFR 721.11787), P-21-152 (40 CFR 721.11788), P-21-153 (40 CFR 721.11789), P-21-154 (40 CFR 721.11790), P-21-155 (40 CFR 721.11791), P-21-156 (40 CFR 721.11792), P-21-157 (40 CFR 721.11793), P-21-158 (40 CFR 721.11794), P-21-160 (40 CFR 721.11795), P-21-161 (40 CFR 721.11796), P-21-162 (40 CFR 721.11797), and P-21-163 (40 CFR 721.11798).

The proposed SNURs designate as a significant new use the manufacture of these PMN substances using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). **EPA has not provided sufficient scientific basis to support such a broad restriction.**

We urge the Environmental Protection Agency (EPA) to withdraw the proposed SNURs due to fundamental concerns about their scientific basis, regulatory appropriateness, and potential negative impacts on industry and innovation. **These barriers proposed in the previous administration have hampered progress, stalling investment in communities and American jobs.**

700 Second Street NE, Washington DC 20002 | 202.249.7000 | americanchemistry.com

ACC makes this request based on the following:

- **No statutory basis:** EPA has failed to provide a reasonable explanation or evidentiary support for its decision to propose these SNURs. EPA has not adequately addressed the statutory factors identified in TSCA section 5(a)(2) or, to the extent applicable, the regulatory factors in 40 C.F.R. § 721.170(d)(1)-(4).

  The cited references in the EPA docket for these proposed SNURs (EPA-HQ-OPPT-2023-0245) do not establish the analytical basis for the determination EPA is required to make. Moreover, the administrative record lacks additional substantiating information. Aside from referencing certain citations and making a conclusory assertion that all relevant statutory factors have been considered, EPA has not demonstrated that it has satisfied its statutory obligations.

  Furthermore, 40 C.F.R. § 721.170(d)(1)-(4) prescribes specific factors that EPA must evaluate when proposing a SNUR that imposes requirements beyond those established in a corresponding § 5(e) order, which is the case in this rulemaking proposal. To the extent this regulatory provision applies, EPA has not provided evidence that it has meaningfully considered the required factors, nor has it articulated a rationale for its departure from established rulemaking precedent.

- **Procedural concerns:** EPA has acknowledged its intent to withdraw the TSCA Section 5(e) consent order for the 18 submitted PMNs that serve as the partial basis for the proposed SNURs. Given that the proposed SNURs are premised in part on the existence of this consent order, the withdrawal of this consent order fundamentally undermines the basis for the proposed rule. Proceeding with the SNURs despite EPA's stated intent to rescind the consent order would be procedurally flawed and unjustifiable. Accordingly, EPA should withdraw the 18 proposed SNURs in their entirety to ensure regulatory consistency and avoid unnecessary burdens on industry.

  EPA's authority to issue a Significant New Use Rule (SNUR) applies to new and significant new uses of a chemical once it exists. However, the proposed SNURs

700 Second Street NE, Washington DC 20002 | 202.249.7000 | americanchemistry.com

attempt to regulate feedstocks used to make the chemical, not the chemical itself. Regulating impurities in raw materials before a substance is even created goes beyond the scope of EPA's SNUR authority. If EPA has concerns about impurities in feedstocks, it should address them through regulations specific to those feedstocks, rather than improperly extending SNURs beyond their intended scope.

- **No scientific basis:** EPA has identified the presence of the listed impurities in post-use plastics, but it has not established a scientific connection between these impurities and any demonstrated risk associated with the proposed SNUR substances. Neither the preamble nor the cited literature in the administrative record acknowledge that the feedstocks used to produce these substances undergo pyrolysis, a process in which the post-use plastics are heated to high temperatures in the absence of oxygen. They are further processed and refined before end use. There is no scientific basis for restricting any amount of the identified impurities in the proposed SNUR substances. That scientific basis must meet the requirements of TSCA section 26(h), (i), and (j). The information EPA provided in the preamble and the record fails to meet those requirements.

Further policy concerns:

- **Unclear definitions:** The EPA proposal aims to regulate the use of "feedstocks" for those proposed SNUR substances. EPA has not clarified what it means by "feedstocks." Post-use plastics may be pyrolyzed to make pyrolysis oils. Those pyrolysis oils are used to manufacture the proposed SNUR substances.

  EPA should provide clear definitions of what it refers to as "feedstocks" for the proposed SNUR substances and whether the post-use plastics or the pyrolysis oils are the "feedstocks." It is understood that post-use plastics may contain impurities identified by EPA, though, these impurities are not likely found in pyrolysis oil. Most or all impurities would be destroyed during the pyrolysis process and during further refining. If EPA is referring to the pyrolysis oils, feedstocks are covered by SNURs already.

700 Second Street NE, Washington DC 20002 | 202.249.7000 | americanchemistry.com

- **Set a risk-based threshold:** The proposed SNURs did not include a *de minimis* threshold level above which the regulation would apply. EPA should establish risk-based *de minimis* thresholds for trace amounts of certain impurities in chemicals so that regulatory decisions under TSCA are based on identified risk rather than mere presence. Thresholds should be chemical specific and identified by chemical numbers (CAS #) in the proposed SNURs for pyrolysis products. It is impractical for the regulated community to confirm the complete absence of a listed contaminant. At trace levels below a *de minimis* threshold, the health and environmental risk is negligible.

- **Proposed SNURs have hindered U.S. manufacturing:** The proposed requirements already have, and would continue to, impede new innovations that address the needs of the U.S. economy and do not put America First. The proposed rules have hindered the development of advanced recycling projects and progress towards a more circular plastics economy. Re-manufacturing plastic through advanced recycling – instead of simply wasting it – strengthens our domestic supply chain, creates jobs, and reduces our environmental footprint. It represents an opportunity for the U.S. to lead the world in stronger, more resilient, and sustainable manufacturing.

  There are few more surefire paths to stifling innovation than ambiguous regulations. **This SNUR should be withdrawn immediately to reduce regulatory burden and promote U.S. manufacturing and innovation.**

Please see our comments submitted on August 18, 2023 (attachment) for greater detail. Thank you for your consideration.

Sincerely,

Chris Jahn
President and Chief Executive Officer
American Chemistry Council

700 Second Street NE, Washington DC 20002 | 202.249.7000 | americanchemistry.com

Attachments:

Attachment A – ACC Comments Submitted to Docket No. EPA-HQ-OPPT-2023-0245

Attachment B – EPA Proposed SNURs 23-2.5e_6-20-23

Attachment C – Section 5(e) order_08-25-2022

Attachment D – Cherokee Concerned Citizens v. EPA_ Unopposed Motion For Voluntary Remand

700 Second Street NE, Washington DC 20002 | 202.249.7000 | americanchemistry.com

American Chemistry Council

Andrew Liang
National Economic Council
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. Liang,

On behalf of the American Chemistry Council (ACC), I would like to extend our appreciation for this administration's bold regulatory reform efforts. The President's leadership plays a vital role in shaping the nation's environmental and regulatory landscape to advance environmental stewardship while prioritizing economic prosperity. Since taking office, the administration has prioritized results and fiscal responsibility to simultaneously protect the environment and grow the economy.

ACC represents the leading manufacturers of plastics in America. The U.S. plastics and chemical sectors play an important role in maintaining America's competitive edge in global markets and driving innovation, while keeping prices low for consumers. Plastics make up more than 26% of U.S. manufacturing output, and the industry is a driver of U.S. economic growth, generating $46 billion in economic output, supporting nearly 700,000 U.S. workers, and providing feedstock for American industries, including automotive, construction, packaging, electronics, and healthcare. Streamlining federal rulemaking to encourage investments in infrastructure that support the manufacturing and remanufacturing of plastics will bolster the U.S. economy while improving sustainability.

Plastics play an important role in the lives of Americans – and the success of our nation's economy. Executive Order 14208, "Ending Procurement and Forced Use of Paper Straws," recognized this and called for the development of a National Strategy to End the Use of Paper Straws. As the Administration develops this strategy, ACC respectfully requests:

- That the ineffective plastics-related rules and reports issued by prior administrations that limit consumer choice and impair the industry be withdrawn; and
- That they be replaced with actions to spur investment in domestic plastic manufacturing and recycling, or the remanufacturing of plastic products.

Please find our specific suggestions below.

Plastics Serve Essential Purpose

Federal policy should not discriminate against plastic. Plastic products and packaging are often the most cost effective and have the least environmental impact of alternative options.[1] A blanket policy that eliminates or reduces a product based solely on the material that it is made from is fundamentally flawed as it does not take into account "why" a particular material is used in its chosen application.

[1] McKinsey & Co., Climate impact of plastics (July 2022), available at https://www.mckinsey.com/industries/chemicals/our-insights/climate-impact-of-plastics

Plastics are utilized in several critical single-use applications that make them difficult, if not impossible, to replace with alternatives that deliver the same or better performance, environmental footprint, or cost. Use of plastics can be the difference between life and death, as items such as IV bags, syringes, gloves, masks, and other personal protective equipment and medical equipment are all made with plastic intended for one-time use. Packaging and shipping also frequently call for plastics in critical one-time end uses. Plastics are integral to natural disaster emergency response when cold storage is unavailable, and it is difficult to keep items safe and sanitary. In these situations, plastic packaging protects food, water, and other emergency response supplies. In addition, encouraging suppliers to the federal government to remove necessary packing may result in the government receiving increasing quantities of damaged products due to a lack of proper packing, resulting in higher costs.

Including innovative recycling technologies—such as advanced methods to remanufacture plastic domestically—in the National Strategy to End the Use of Paper Straws Executive Order ensures that Americans can maintain both sustainability and convenience. Remanufacturing allows Americans to enjoy comforts of modern life (like straws), reduce transportation costs through the use of lightweight plastic, provide life-saving equipment, and much more all while providing a sustainable pathway to reduce plastic waste.

Recission of Misguided Rules, Reports, and Comments

The last Administration put forth several misguided rules, reports, and comments that impeded U.S. plastic manufacturing industry without delivering real economic and environmental benefits. ACC encourages you to withdraw those agency actions.

Rescind GSA procurement rule: On June 6, 2024, the General Services Administration finalized changes to the Federal Acquisition Regulations at 48 C.F.R. Parts 508, 538, and 552 to affecting the federal government's purchasing of single-use plastics (which include plastic straws) and use of plastic in packaging material (89 Fed. Reg. 48330). The rule does not do what its stated purpose was, which was to eliminate unrecycled or frequently littered plastic, because it does not distinguish between single-use plastics that are routinely recycled and those that are not. Eliminating this rule and driving the federal focus to recycling would help boost recycling rates and provide a market signal to industry to invest in various recycling technologies.

Rescind EPA's Safer Choice Standards: Also in 2024, the Environmental Protection Agency finalized changes its Safer Choice and Design for the Environment (DfE) Standards that discriminated against the use of certain kinds of recycled plastics in packaging materials (80 Fed. Reg. 64915). Rescinding the changes made in the 2024 updates to the Safer Choice standard to primary packaging will help spur the circular economy and drive plastic remanufacturing.

Withdraw faulty reports, comments: The prior Administration released several reports that disincentivize American manufacturing and the plastics industry. To spur investment in the sector, the following should be withdrawn: (1) Mobilizing Federal Action on Plastic Pollution: Progress, Principles, and Priorities (White House, July 2024), (2) the National Strategy to Prevent Plastics Pollution (EPA, November 2024), and (3) EPA's May 12, 2023 comments on the Federal Trade Commission's Review of its Guides for the Use of Environmental Marketing Claims (also known as the "Green Guides) (Document: FTC-2022-0077-1366). Through incomplete, inaccurate, and misleading information about the environmental impacts of plastics and advanced recycling technologies, these policy statements have the effect of disincentivizing innovative plastic

recycling efforts. Without adequately accounting for the benefits of plastics and advanced recycling, these government policies discriminate against technologies designed to create a more sustainable future. Therefore, ACC asks that you withdraw these reports and comments.

Rulemaking to Spur Remanufacturing

As the Trump administration considers actions to grow jobs and domestic manufacturing, it should look to the plastics industry. Building out the plastic remanufacturing system in the U.S. would increase domestic manufacturing, create jobs, bolster the economy, and ensure America's global competitiveness.

Remanufacturing technologies (also called advanced or chemical recycling) leverage chemistry to convert used plastic into raw materials for new plastics. Through these technologies, many more types of plastics (such as straws, as well as films, pouches, and durable goods) can be recycled. Complexly engineered multi-layered plastics can often be remade using these technologies into new plastics that can be approved for use in food, pharmaceutical and medical contact applications. Twenty-five states have recognized these technologies as a solution to combating plastic waste, paving the way for more than a dozen commercial-scale advanced recycling facilities in the United States. These facilities have the combined capacity to process nearly a billion pounds of plastic each year. From shampoo bottles and ice cream containers to clothing and car parts, there are hundreds of products on the global marketplace made with remanufactured plastic.

Use your 2020 recycling goals as guiding light: ACC encourages the administration to lean into the National Framework for Advancing the U.S. Recycling System, which your prior administration issued in November 2019.[2] In 2020, your administration set a national recycling goal of 50 percent by 2030.[3] ACC supports a strong recycling goal that includes advanced recycling as a type of recycling. The Administration could enhance the circularity of plastics by establishing a strong purchasing preference that encourages procurement of products made from recycled plastic. For example, the Administration could create policies that give recycled plastics containing products purchasing preference; create resources that educate and equip purchasing officers to increase recycled plastics procurement and recycling; or give greater employee recognition for increasing agency procurement of recycled plastics and recycling.

Create national recycling standards: Rather than have ambiguous regulations that discriminate against industry, a much better approach would be to develop national recycling standards for plastics by directing the EPA to bring together the members of the plastic value chain and municipalities to develop a national recycling framework for plastic. Recycling standards can create more certainty for recycling and remanufacturing markets.

Reintroduce a pyrolysis rule: In 2020, the Trump Administration proposed a rule, Standard of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units Review (85 Fed. Reg. 54178), clarify that pyrolysis/combustion units are not regulated as other solid waste

[2] National Framework for Advancing the U.S. Recycling System available https://www.epa.gov/sites/default/files/2019-11/documents/national_framework.pdf.

[3] Fact Sheet about the National Recycling Goal: 50 percent by 2030 available at https://www.epa.gov/circulareconomy/fact-sheet-about-national-recycling-goal-50-percent-2030

incinerators (OSWI) because those units do not involve combustion of a solid waste.[4, 5] Unfortunately, the rule was not finalized, and the Biden administration withdrew it.[6] We request the Trump administration reengage on this issue and again undertake rulemaking to clarify that pyrolysis- and gasification-based advanced recycling is not solid waste incineration and should be regulated as the manufacturing process that it is.

Third-party system to offering accountability: As manufacturers look to incorporate more recycled plastic into their products, it becomes increasingly important that the amount and source recycled content be accurately tracked and accounted throughout the value chain. A system like mass balance attribution (MBA), which is already used by many industry sectors to track materials and inputs from different sources, would be an effective method to help the industry and consumers the use of recycled plastic and progress toward meeting recycled content standards. However, the Biden administration issued mixed messages about the use of MBA for plastics recycling. A clear policy from the Trump administration supporting MBA as an acceptable accounting system for recycled content will help drive investment into the remanufacturing system and divert waste from pollution streams. and help fulfil the National Framework for Advancing the U.S. Recycling System. MBA tracks materials throughout the remanufacturing process so manufacturers and remanufacturers can accurately account for the amount of plastic that was diverted from waste streams. MBA is particularly useful when tracking material that may pass through several hands, such as recycled content. Third-party organizations that certify MBA build credibility and trust into the system.

The Trump administration can take meaningful action to support the plastics industry and the remanufacturing of plastic in the United States, which would fortify national security, strengthen supply chains, create jobs, and reduce our environmental footprint. The U.S. should be the world's leader in developing stronger, more resilient, and sustainable manufacturing and remanufacturing.

Thank you for your consideration of these suggestions as develop the National Strategy to End the Use of Paper Straws.

Sincerely,

Ross Eisenberg,
Vice President, Plastics Division
American Chemistry Council

---

[4] 85 Fed. Reg. 54187 (Aug. 31, 2020).
[5] Combustion/incineration involves burning hydrocarbons in the presence of excess oxygen to produce energy. Pyrolysis can *only* occur in the absence of oxygen. The pyrolysis process takes great pains to keep oxygen out of the reaction and produces raw materials for other manufactured products. Likewise, the amount of oxygen used in a gasification process is minimal and certainly not enough to be considered combustion.
[6] 88 Fed. Reg. 36524

Message

From: Jackson, Ryan [Ryan_Jackson@americanchemistry.com]
Sent: 2/27/2025 7:04:27 PM
To: Voyles, Travis [voyles.travis@epa.gov]; Donahue, Sean [donahue.sean@epa.gov]
CC: Eisenberg, Ross [Ross_Eisenberg@americanchemistry.com]; Parker, Kyle [Kyle_Parker@americanchemistry.com]
Subject: Opportunity for withdrawal of 18 proposed regulations
Attachments: Attachment B – ACC Comments Submitted to Docket No. EPA-HQ-OPPT-2023-0245.pdf; Attachment D – Cherokee Concerned Citizens v. EPA_ Unopposed Motion For Voluntary Remand_9-23-24.pdf; 2025_0227 Ltr EPA SNUR withdrawal.pdf; Attachment A – EPA Proposed SNURs 23-2.5e_6-20-23.pdf; Attachment C - Section 5(e) order_08-25-2022.pdf

Travis and Sean,

I wanted to forward a letter which we will send to the administrator suggesting the withdrawal of 18 proposed regulations.

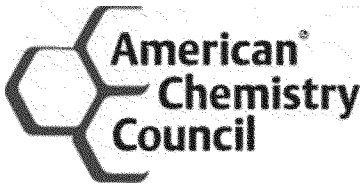
The proposed significant new use rules from the Biden administration detailed in the attached letter and further attachments have and will continue to impede new innovations in advanced recycling projects which is a viable way to address plastic pollution and waste. Without these proposed regulations, re-manufacturing plastic through advanced recycling – instead of simply wasting it – strengthens our domestic supply chain, creates jobs, and reduces our environmental footprint. Withdrawing these regulations represents an opportunity for the U.S. to lead and will be a substantial step helping comply with Executive Order 14192, *"Unleashing Prosperity Through Deregulation."*

We appreciate the consideration and the opportunity to answer your questions about this information,

Thank you,

American Chemistry Council

Ryan Jackson
Vice President, Federal Affairs
O: (202) 249-6718 C: (202) 679-1469
ryan_jackson@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com



August 18, 2023

Submitted via the Federal eRulemaking Portal, https://www.regulations.gov/commenton/EPA-HQ-OPPT-2023-0245-0001

Docket Office
Office of Pollution Prevention and Toxics
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001

Re: Comments of the American Chemistry Council Plastics Division on Significant New Use Rules on Certain Chemical Substances (23-2.5e); Proposed Rule; Docket No. EPA-HQ-OPPT-2023-0245

Dear Sir or Madam:

The Plastics Division of the American Chemistry Council (ACC) appreciates the opportunity to comment on 18 proposed significant new use rules (SNURs) published at 88 Fed. Reg. 39804 (June 20, 2023). These comments focus primarily on the following statement in each of the 18 proposed SNURs:

> It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP).

These comments make the following points:

- EPA has not addressed the statutory factors identified in TSCA section 5(a)(2) or, to the extent applicable, the factors in 40 C.F.R. § 721.170(d)(1)-(4).

- EPA has identified the presence of the listed impurities in post-use plastics as a potential problem, but it has not connected their presence to any problem in the proposed SNUR substances. Neither the preamble nor most of the literature cited discuss the fact that the post-use plastics used to make the feedstocks for the 18 proposed SNUR substances are pyrolyzed (heated to hundreds of degrees Fahrenheit in the absence of oxygen) and then, after processing, are to be burned as fuels. EPA should not finalize the SNURs until it provides a scientific basis for restricting any amount of the identified impurities in the proposed SNUR substances. That scientific basis must meet the requirements of TSCA

section 26(h), (i), and (j). The information provided in the preamble and the docket fails to meet those requirements.

- EPA has authority to regulate uses of the proposed SNUR substances that are both new and significant, but the proposed SNURs would not do so. Instead, the proposal would regulate the use of "feedstocks" for those proposed SNUR substances. EPA should clarify what it means by "feedstocks." Post-use plastics are pyrolyzed to make pyrolysis oils. Those pyrolysis oils are used to manufacture the proposed SNUR substances. When EPA refers to "feedstocks" for the proposed SNUR substances, does it mean the post-use plastics or the pyrolysis oils? It is clear that post-use plastics may contain phthalates and other impurities identified by EPA. It is far from clear that pyrolysis oils do, since most or all impurities would have been destroyed during the pyrolysis process. If EPA means the pyrolysis oils, all of which are covered by SNURs already, EPA should modify the pyrolysis oil SNURs rather than adopt new SNURs for the proposed SNUR substances made from the pyrolysis oils.

- EPA should adopt a risk-based *de minimis* exemption for the presence of impurities listed by CAS #, whether in SNURs for the proposed SNUR substances or in the SNURs for the pyrolysis products. The regulated community could never confirm the complete absence of a listed contaminant. Moreover, the health and environmental risk of listed impurities below a *de minimis* level is vanishingly small.

- EPA should not waive the SNUR exemption for persons subject to section 5(e) orders, as it proposes to do in these proposed SNURs.

- The proposed requirements would hinder development of advanced recycling projects and progress towards a more circular plastics economy.

DISCUSSION

1. Background

Although not clear from the preamble, these 18 proposed SNURs relate to the use of pyrolysis products to produce the proposed SNUR substances where those pyrolysis products resulted from the pyrolysis of post-use plastics. The EPA risk assessment for the proposed SNUR chemicals when they were under review as new chemical substances described them as "waste plastic fuel streams." More specifically, it said:

> Chevron Corporation submitted premanufacture notices (PMN) for eighteen waste plastic fuel streams, P-21-0144 through 0150, P-21-0152 through, and P-21-0160 through 0163) [sic – the full list of PMNs appears in footnote 1]. These new chemical substances (NCSs) are complex mixtures. They are manufactured concurrently with petroleum streams and have identical composition; the only difference is that the feedstocks are

> waste plastic-based sources rather than petroleum-based sources. The intended uses are as fuels, fuel components, and chemical intermediates or refinery feedstocks.[1]

Their composition consists of various hydrocarbons:

> Fuel streams such as these NCSs [new chemical substances] are comprised of dozens of different paraffinic (isoparaffinic), naphthenic, olefinic, and aromatic molecules (P[I]ONA), which makes determining their chemical makeup challenging.[2]

The proposed SNURs would not apply once the proposed SNUR substances have been made into fuels. Each proposed SNUR says in paragraph (a):

> The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

Notably, the sanitized version of the risk assessment nowhere discussed any of the impurities listed in the proposed SNURs. Instead, it analyzed the health and environmental hazards of the P[I]ONA constituents of the fuels. The preamble to the proposed SNURs explains that EPA became aware that "the precursor chemicals for the PMN substances may contain chemicals of concern" only after it issued section 5(e) orders for the proposed SNUR substances.[3]

In 2021, EPA described pyrolysis as follows:

> Pyrolysis is a process where materials are thermally decomposed or rearranged under process conditions where extremely little to no oxygen is present. Pyrolysis, which is also known as devolatilization, is an endothermic process that produces 75-90 percent volatile materials in the form of gaseous and liquid hydrocarbons. Remaining non-volatile materials with high carbon content form a product called char ….
>
> In varying quantities and compositions, the products of pyrolysis and gasification are a mixture of: Syngas (primarily in gasification, which produces a gaseous mixture of carbon monoxide and hydrogen, with smaller quantities of methane, carbon dioxide, water, and other low-molecular-weight volatile organics); liquids (typically oils or waxes of various kinds); char (a solid residue also sometimes called biochar or coke containing fixed carbon and ash); and any metals or minerals that might have been components of the feedstock. In general, these products are used to create other products or are burned to generate energy (e.g., syngas can be converted into heat, power, fuels, or chemical products, or used in fuel cells).[4]

---

[1] EPA, Integrated Risk Assessment for Chevron Waste Plastic Fuels (P-21-0144, 145, 146, 147, 148, 149, 150, 152, 153, 154, 155, 156, 157, 158, 160, 161, 162, and 163) (June 9, 2023), https://downloads.regulations.gov/EPA-HQ-OPPT-2023-0245-0003/attachment_1.pdf, at 5.

[2] Id. at 6.

[3] 88 Fed. Reg. at 39806.

[4] EPA, Potential Future Regulation Addressing Pyrolysis and Gasification Units; Advance Notice of Proposed Rulemaking, 86 Fed. Reg. 50296, 50299-600 (Sept. 8, 2021).

A recent article co-authored by EPA personnel and cited in the preamble to the proposed SNURs also described pyrolysis for the treatment of biosolids:

> One biosolids treatment technology is pyrolysis, a non-incineration thermal process that decomposes materials in an oxygen-free environment at elevated temperatures (typically 500°C to 800°C). Compared to SSI [sewage sludge incineration], pyrolysis features lower production of oxides of carbon, nitrogen, and sulfur and reduced release of metals, however the potential for PFAS air emissions for both processes are uncertain (Kundu et al. 2020; Winchell et al. 2021) …. Pyrolysis produces a hydrogen-rich synthesis gas (syngas) stream that can be combusted, with heat energy recovered.[5]

2. EPA Has Not Considered the Relevant Factors

Under TSCA section 5(a)(2), any SNUR must reflect "consideration of all relevant factors, including" four specified factors. The preamble asserts that EPA has considered those factors, citing the record and the seven data sources listed in the preamble:

> The clarity and completeness of the data, assumptions, methods, quality assurance, and analyses employed in EPA's decision are documented, as applicable and to the extent necessary for purposes of the proposed SNURs, in the references cited throughout the preamble of this proposed rule. The extent to which the various information, procedures, measures, methods, protocols, methodologies or models used in EPA's decision have been subject to independent verification or peer review is adequate to justify their use, collectively, in the record for a significant new use rule ….
>
> In determining what would constitute a significant new use for the chemical substances that are the subject of these proposed SNURs, EPA considered relevant information about the toxicity of the chemical substances and potential human exposures and environmental releases that may be associated with possible uses of these chemical substances, in the context of the four TSCA section 5(a)(2) factors listed in Unit II.A.1.[6]

The references cited in the preamble (discussed in section 3 of these comments) do not reflect EPA's consideration of relevant factors. They do not show how EPA reached its decision to propose these SNURs. Some are not even prepared by EPA. The record, i.e., the docket for this rulemaking, has no additional information. Other than those citations and a bare assertion that it has considered all relevant factors, including the four statutory factors, EPA has not established that it has met its obligations under section 5(a)(2).

Further, 40 C.F.R. § 721.170(d)(1)-(4) identifies several factors that EPA must consider when it proposes a SNUR with provisions that go beyond the section 5(e) orders for the SNUR substances, which is the case here. To the extent that that rule applies to this rulemaking, EPA has not shown that it has considered any of those factors.

---

[5] Thoma, Eben et al. (2022). "Pyrolysis processing of PFAS-impacted biosolids, a pilot study." Journal of the Air and Waste Management Association. February 2022. See https://doi.org/10.1080/10962247.2021.2009935.
[6] 88 Fed. Reg. at 39805.

Without adequate consideration of all relevant factors, EPA should withdraw these proposed SNURs.

3. EPA Has Not Established Any Linkage Between Impurities in Post-Use Plastics and the Proposed SNUR Substances

In April 2023, EPA reported that it has "concerns" about impurities that may be present in the products of pyrolysis of post-use plastics:

> Additionally, EPA is aware of concerns about the potential health and environmental risks posed by impurities that may be present in pyrolysis oils generated from plastic waste. Accordingly, EPA intends to require companies submitting new pyrolysis oil chemicals to the Agency for review under TSCA to conduct testing for impurities that could be present in the new chemical substance prior to approval, and ongoing testing to ensure there is no variability in the plastic waste stream that is used to generate the pyrolysis oil.[7]

The concerns relate to potential impurities in pyrolysis oils that are mostly or entirely derived from impurities in the post-use plastics feedstock. The pyrolysis oils are different from the proposed SNUR substances. The preamble to the proposed SNURs is remarkable for its focus on feedstocks used to make the proposed SNUR substances and not on the SNUR substances themselves. Presumably, EPA expects that impurities in the pyrolysis oils may also appear in the proposed SNUR substances, and that those impurities may pose health or environmental risks. It does not actually make either point explicitly. It does not provide a basis for those points either. The most that the preamble does is to state:

> This preamble also identifies the sources of data documenting the presence or absence of such contaminants in pyrolysis products derived from plastic waste.[8]

Review of the seven sources of data listed in the preamble shows no substantial basis for concern about pyrolysis products made from post-use plastics due to the presence of listed impurities in the feedstock plastics, only that the impurities may be present in the original plastics.

The first listed source is:

> US EPA (2016). "State of the Science White Paper: A Summary of Literature on the Chemical Toxicity of Plastics Pollution to Aquatic Life and Aquatic-Dependent Wildlife." Document ID No. EPA–822–R–16–009 (2016). See https://www.epa.gov/sites/default/files/2016-12/documents/plastics-aquatic-life-report.pdf.

[7] EPA, Draft National Strategy to Prevent Plastic Pollution (Apr. 2023) at 15, https://www.epa.gov/system/files/documents/2023-04/Draft_National_Strategy_to_Prevent_Plastic_Pollution.pdf.
[8] 88 Fed. Reg. at 39805-06.

This 2016 publication describes various additives used in some plastics, including some of those listed in the proposed SNURs. It explains that post-use plastics can pose various risks when released into the environment. It does not consider whether the additives it mentions would be destroyed by pyrolysis. In fact, it nowhere even mentions pyrolysis or other forms of advanced recycling, such as gasification.
The second cited source of data is:

> European Chemicals Agency (August 2021), entitled "Chemical Recycling of Polymeric Materials from Waste in the Circular Economy Final Report." See https://echa.europa.eu/documents/10162/1459379/chem_recycling_final_report_en.pdf/887c4182-8327-e197-0bc4-17a5d608de6e.

It cites some studies suggesting that substances of concern may be formed in the course of pyrolysis of post- plastics (mainly from post-use electrical and electronic equipment), but it also mentions technologies for reducing the formation of such substances. Its primary conclusion (as stated in the abstract) is the following:

> There is a fragmented knowledge about the fate of substances of concern in various chemical recycling processes, and a paucity of scientific papers discussing regulatory issues in chemical recycling.

The third cited source of data is:

> Environmental Defense Fund Supply Chain Solutions Center (2022). Understanding Packaging Scorecard as referenced by the Environmental Defense Fund entitled "Key chemicals of concern in food packaging and food handling equipment." See https://supplychain.edf.org/files/downloadable-TABLE-CoCs-in-Food-Packaging.pdf.

This document reports:

> EDF has identified chemicals in food packaging and food handling equipment where the potential health impacts from their migration into food raises serious concerns. These chemicals in virgin materials may also contaminate the recycling stream and undermine their recyclability or biodegradability.

Thus, like the first cited document, this source of data focuses on additives in plastics prior to pyrolysis. It, too, does not address the potential for pyrolysis and subsequent combustion of fuel to destroy those additives.

The fourth cited source of data is:

> Whitehead, Heather et al. (2023). "Directly Fluorinated Containers as a Source of Perfluoroalkyl Carboxylic Acids." Environ. Sci. Technol. Lett. 2023, 10, 4, 350–355, Publication Date: March 6, 2023. See https://doi.org/10.1021/acs.estlett.3c00083.

This source reports that certain PFAS may be present in fluorinated plastic containers. It does not mention advanced recycling. It does not acknowledge that any PFAS present in fluorinated plastic containers would likely be destroyed by pyrolysis, as indicated by the next data source, and by subsequent refining into fuel products or combustion of the proposed SNUR substances or fuels made from them.

The fifth cited source of data is:

> US EPA (2021). Research BRIEF: "Potential PFAS Destruction Technology: Pyrolysis and Gasification." January 2021. See https://www.epa.gov/sites/default/files/2021-01/documents/pitt_research_brief_pyrolysis_final_jan_27_2021_508.pdf.

This document actually supports the absence of concerns about PFAS in the pyrolysis products. For example, it states:

> New options for the treatment of PFAS-impacted WWTP solids may be found in non-incineration thermal processes, such as pyrolysis and gasification ….
>
> The high temperatures and residence times achieved by pyrolysis or gasification followed directly by combustion of the hydrogen-rich syngas stream in a thermal oxidizer (or afterburner) could potentially destroy PFAS by breaking apart the chemicals into inert or less recalcitrant constituents. However, this mechanism, as well as evaluation of potential products of incomplete destruction, remain a subject for further investigation and research. It is possible that this combination of processes may be more effective at PFAS destruction than some lower temperature sewage sludge incineration processes.
>
> The end products of both gasification and pyrolysis result in material volume reductions of over 90% compared to the input solids, making transport and use or disposal more energy efficient and lessening the environmental impacts (e.g., lower landfill leachate PFAS loadings compared to biosolids disposal).

In addition to this general discussion, this data source highlighted that EPA planned to study the potential for pyrolysis to destroy PFAS:

> In August 2020, EPA researchers conducted a field test at a WWTP employing pyrolysis. The purpose of this limited-scope field test was to improve understanding of target PFAS levels in the pyrolysis-produced biochar compared to the input material. EPA researchers are currently analyzing samples collected during the field test and expect to publish the results in a peer-reviewed scientific journal in 2021.

The subsequent peer-reviewed article is apparently the sixth cited data source:

> Thoma, Eben et al. (2022). "Pyrolysis processing of PFAS-impacted biosolids, a pilot study." Journal of the Air and Waste Management Association. February 2022. See https://doi.org/10.1080/10962247.2021.2009935.

While calling for additional research, this article reports that pyrolysis proved very effective in destroying PFAS:

> In August 2020, a limited-scope test of a commercial-scale biosolid pyrolysis operation at the SVCW WWTP found that target PFAS compounds present in the input biosolids were removed from the produced biochar and were also largely absent from the emission control scrubber water ….
>
> As with any thermal system, pyrolysis offers mass reduction and energy recovery potential. The emission characteristics, regulatory position (compared to SSI), and scalability of pyrolysis and certain forms of gasification may make these technologies relatively attractive for consideration for certain categories of USWWTPs [United States wastewater treatment plants].

The seventh and final data source cited is:

> Turner et al. (2021). "Hazardous metal additives in plastics and their environmental impacts." Environment International, Volume 156, November 2021, 106622. See https://www.sciencedirect.com/science/article/pii/S0160412021002476.

This article explains that some plastics contain metal-based additives or catalyst residues, and that these may leach into the environment when disposed of in landfills or otherwise. It nowhere refers to advanced recycling or discusses the relative risks from conventional disposal of plastics containing these metal additives as compared with use of pyrolysis oils to make the proposed SNUR substances.

In sum, the sources cited by EPA do not justify the proposed SNURs restricting the use of feedstocks containing any amounts of any of the listed impurities in producing the proposed SNUR substances. Some cited sources actually support the benefits of advanced recycling as compared with conventional disposal of post-use plastics in landfills. EPA has not adequately explained its concerns underlying the proposed SNURs or provided risk-based evidence that they are needed.

Under TSCA section 26(h), in carrying out section 5, EPA must make its decisions consistent with the best available science. It must consider a variety of factors. EPA has cited no science other than the seven data sources discussed above. The docket contains only materials related to the PMN reviews (but EPA has said that its current concerns were not raised in those reviews), the proposed rule and its economic analysis, and the notice extending the comment deadline. EPA has not explained how it considered the statutory factors in section 26(h). Even the data sources that it cites are not included in the docket.

Under TSCA section 26(i), EPA must make decisions under section 5 based on the weight of the scientific evidence. The weight of the scientific evidence is that most of the impurities of concern to EPA could not exist in the proposed SNUR substances due to the heat of pyrolysis destroying them – but EPA has not addressed that evidence, other than to cite two articles which support the idea that pyrolysis does destroy PFAS.

Under TSCA section 26(k), in carrying out section 5, EPA must take into consideration all reasonably available relevant information. There is no evidence that EPA has made an adequate effort to obtain, much less consider, all reasonably available relevant information, such as information on pyrolysis temperatures and their effects on the of concern.

EPA has not met these statutory obligations with respect to these SNURs.

4. EPA Has Proposed to Restrict the Wrong Substances

EPA's significant new use rule authority is for "use" of a chemical substance that is both "significant" and "new."" The key word here is "use." Use of a "contaminated" feedstock to make a SNUR substance is not a "use" of the SNUR substance – it is a restriction on use of the feedstock. The term "use" should not apply to a substance before it exists. If EPA has legitimate concerns about impurities in feedstocks, it should address use of the feedstocks through SNURs on those feedstock substances.

The proposed SNURs would designate as a significant new use manufacturing the SNUR substances using feedstocks containing any amount of listed impurities. This is the first time that EPA has proposed to use the term "feedstocks" in a SNUR, which should necessitate further clarification and guidance from EPA. In some cases, EPA has adopted SNURs setting restrictions on particular byproducts or impurities in the SNUR substances (e.g., levels of isocyanate groups in isocyanate-based polymers). EPA has not chosen to restrict the presence of any listed contaminant in the proposed SNUR substances themselves, however. EPA should explain why it is taking this approach.

EPA should also clarify what it means by "feedstocks." The proposed SNUR substances are made from pyrolyzed post-use plastics. By "feedstocks," does EPA mean the post-use plastics used to make the pyrolysis products? Or, does EPA mean the pyrolysis products themselves? The difference is significant, because evidence suggests the pyrolysis process is almost certain to have destroyed any PFAS, phthalate, PBDE, alkylphenol, etc., that may have been present in the post-use plastics that were pyrolyzed.

It may be helpful to trace the different steps potentially involved in the reference to "feedstocks." The proposed SNUN substances are made from pyrolysis products. The pyrolysis products are made by the pyrolysis of post-use plastics.

The sanitized consolidated PMNs for the proposed SNUR substances, PMNs P-21-0144-0147, 0148-0150, 0152-0154, 055,058, 060-0163,[9] report the following as the immediate precursor substances ("feedstocks"?) for the proposed SNUR substances:

- Waste plastics, pyrolyzed, depolymd., C_{11-33}-branched, cyclic and linear fraction – CAS No. 2052271-50-6
- Waste plastics, pyrolyzed, C_{9-20} fraction – CAS No. 2055370-08-4

[9] Available at https://downloads.regulations.gov/EPA-HQ-OPPT-2023-0245-0002/content.pdf.

- Waste plastics, pyrolyzed, depolymd., C_{7-26}-branched, cyclic and linear fraction – CAS No. 2068009-57-2

The full names of these UVCB reactants for the proposed SNUR substances are as follows:

- CAS No. 2052271-50-6, Waste plastics, pyrolyzed, depolymd., C_{11-33}-branched, cyclic and linear fraction. DEF: A complex combination of hydrocarbons obtained from the fractional condensation of polyolefins and vinyl polymers waste plastics. It consists predominantly of C_{11} to C_{33} branched, cyclic and linear hydrocarbons and boils in the range of 350°C to 450°C (622°F to 842°F).
    - This is PMN P-17-0398.
    - It is the subject of a SNUR, 40 C.F.R. § 721.11390, Branched cyclic and linear hydrocarbons from plastic depolymerization (generic).
- CAS No. 2055370-08-4, Waste plastics, pyrolyzed, C_{9-20} fraction. DEF: The oil obtained from the pyrolysis of polymer wastes at 300°C to 650°C (572°F to 1202°F). It consists of hydrocarbons having carbon numbers predominantly in the range of C_9 through C_{20}, heteroaromatics and other organic compounds boiling in the range of approximately 150°C to 370° (302°F to 698°F).
    - This is PMN P-14-0714.
    - It is the subject of a SNUR, 40 C.F.R. § 721.10939, Plastics, wastes, pyrolyzed, middle distillate (generic).
- CAS No. 2068009-57-2, Waste plastics, pyrolyzed, depolymd., C_{7-26}-branched, cyclic and linear fraction. DEF: A complex combination of hydrocarbons obtained from the fractional condensation of polyolefins and vinyl polymers waste plastics. It consists predominantly of C_7 to C_{26} branched, cyclic and linear hydrocarbons and boils in the range of 0°C to 350°C (32°F to 662°F).
    - This is PMN P-17-0399.
    - It is the subject of a SNUR, 40 C.F.R. § 721.11391, Alkane, alkene, styrenic compounds derived from plastic depolymerization (generic).[10]

If "feedstocks" as used in the proposed SNURs refers to the immediate precursors (i.e., reactants) for the proposed SNUR substances, i.e., the pyrolysis oils, EPA should have proposed to amend its existing SNURs for those pyrolysis oils precursors to add a significant new use, rather than proposing new SNURs on the proposed SNUR substances made from those pyrolysis oils.

If "feedstocks" refers to post-use plastics, those are existing chemicals and mixtures that have long contained one or more of the listed impurities. It is not clear that post-use plastics themselves can be regulated through SNURs. Use of post-use plastics containing impurities in the manufacture of pyrolysis oils is surely ongoing.

[10] As is evident, each of these reactants for the proposed SNUR substances is on the public Inventory, but their respective SNURs only use generic names. EPA should assist stakeholders by promptly revising any SNUR using a generic name once the PMN submitter relinquishes its confidentiality claim for the chemical identity of the substance or the chemical identity otherwise becomes public.

5. EPA Should Adopt a Risk-Based *De Minimis* Threshold for Whatever Listed Impurities Might Be in the SNUR Substances or in Their Feedstocks

Whether EPA is concerned about listed impurities in the proposed SNUR substances or in their feedstocks (or both), it must not set a zero threshold (i.e., prohibit "any amount") for those impurities. Instead, it should adopt a *de minimis* exemption, supported by substantial evidence, based on the risk presented by those impurities listed by CAS # remaining in the proposed SNUR substances, below which the listed impurities could be present.

The proposed SNURs would require manufacturers and processors of the proposed SNUR substances to keep records demonstrating compliance with the effective prohibition (in the absence of a significant new use notice reviewed by EPA) of "any amount" of any listed component in the feedstock used to produce the fuels. However, the proposed SNURs would be essentially impossible to comply with in the absence of any *de minimis* threshold, given:

(1) the fact that post-waste plastics may contain one or more of the listed impurities, which may be present as processing aids or catalyst residues or for other reasons,
(2) the absence of any practical or technical means of excluding "any amount" of all of the listed impurities from post-use plastic feedstocks,
(3) the heterogeneous nature of post-use plastic feedstocks,
(4) the lack of analytical methods for identifying some of the impurities (some listed impurities are categories with thousands of members),[11] and
(5) the inability of a manufacturer or processor of a proposed SNUR substance to be able to determine whether residues of any of the impurities were present in a feedstock.

EPA should not impose a strict liability requirement where compliance is unverifiable.

To avoid this situation, EPA should adopt a risk-based *de minimis* exemption, just as it recently proposed to do in the proposed perchloroethylene risk management rule.[12] There, EPA explained:

> To aid the regulated community with implementing the prohibitions, and to account for de minimis levels of PCE as an impurity in products, EPA is proposing that products containing PCE at concentrations less than 0.1% by weight are not subject to the prohibitions described in this unit. EPA has determined that the prohibitions are only necessary for products containing PCE at levels equal to or greater than 0.1% by weight in order to eliminate the unreasonable risk of injury resulting from inhalation and dermal

[11] For example, the proposed definition of "PFAS" in each of the proposed SNURs is the only definition of any of the chemical categories listed in those proposed SNURs. Even the definition of "PFAS" is overly broad, as it includes thousands of compounds, including fluoropolymers, without any individualized assessment. Current analytical techniques can only measure a limited number of PFAS. Use of this definition would make the proposed requirement to maintain records demonstrating compliance virtually impossible to meet. There are no analytical methods to detect many members of the listed categories, so the problem is not limited to PFAS.

[12] 88 Fed. Reg. 39652 (June 16, 2023). See proposed 40 C.F.R. § 751.605(c), 88 Fed. Reg. at 39717 ("(c) De minimis level. Products containing perchloroethylene at levels less than 0.1 percent by weight are not subject to the prohibitions described in paragraph (b) of this section.").

> exposures from PCE-containing products during occupational and consumer conditions of use.[13]

EPA has not articulated what risks of injury it expects from the use of feedstocks containing listed impurities. EPA should examine the magnitude of those risks in light of the use of the feedstocks in the production of these proposed SNUR substances and adopt a risk-based *de minimis* level. It should identify the reasonably likely points of exposure or environmental release for the impurities, the anticipated extent of exposure to them, and the reasonably likely resulting risks under the conditions of use (if any). It should set threshold applicability levels for the individual impurities for each of the individual proposed SNUR substances, which will have their own use profiles. That level must be at least at the level of quantitation for available analytical methods, as any level below that would be impractical. EPA should also clarify whether the *de minimis* level relates to the feedstocks or to the proposed SNUR substances.

6. EPA Should Not Waive the SNUR Exemption for Persons Subject to Section 5(e) Orders

Each of the proposed SNURs would waive the exemption of 40 C.F.R. § 721.45(i). For most SNURs, that provision does apply. It provides an exemption for a manufacturer or processor of a SNUR substance if:

> The person is operating under the terms of a consent order issued under section 5(e) of the Act applicable to that person. If a provision of such section 5(e) order is inconsistent with a specific significant new use identified in subpart E of this part, abiding by the provision of the section 5(e) order exempts the person from submitting a significant new use notice for that specific significant new use.

This rulemaking proposal marks only the second time in the 34 years since EPA adopted that exemption[14] that EPA has proposed to waive it. The first time was just a few months ago.[15] EPA's decision once again to waive that exemption is disturbing.

EPA should better justify its proposal to adopt SNUR provisions that go beyond the corresponding section 5(e) orders, contrary to its long-standing practice. Its standard procedure for proposing SNURs for chemical substances already subject to a section 5(e) order specifies that EPA must follow certain criteria and procedures to go beyond the requirements in corresponding section 5(e) orders:

> The significant new use notification and other specific requirements will be based on and be consistent with the provisions included in the final order issued for the substance under section 5(e) of the Act. EPA may also designate additional activities as significant new uses which will be subject to notification. Designation of additional activities as

[13] 88 Fed. Reg. at 39671.
[14] EPA adopted that exemption in amendments to 40 C.F.R. Part 721, Subpart A, 53 Fed. Reg. 28354, 28361 (July 27, 1988).
[15] See 87 Fed. Reg. 74072 (Dec. 2, 2022).

significant new uses will be done in accordance with the criteria and procedures under § 721.170, or through a separate rulemaking proceeding.[16]

EPA should clarify how the additional requirements in these proposed SNURs meet the § 721.170 criteria, to the extent they apply. It should also explain why it is important that the PMN submitter comply with those additional requirements.

While these SNURs are for substances that are not yet on the TSCA Inventory, EPA's proposed waivers of this exemption raise the prospect that in other cases EPA would be regulating an ongoing use, which is not within EPA's SNUR authority. A PMN submitter who is subject to a section 5(e) order must comply with the order, but is free to engage in uses of the PMN substance not restricted by the order. If a proposed SNUR later, perhaps much later, deems one or more of those ongoing unrestricted uses to be "new," the PMN submitter and any other manufacturer or processor of the substance must determine whether it is engaging in those "new" uses. This is burdensome for PMN submitters and others, and contrary to the procedures EPA established in 1988 and has followed since then.

7. The Proposed Requirements Would Hinder Development of Advanced Recycling Projects and Progress Towards a More Circular Plastics Economy

In addition to the preceding comments addressing specific aspects of the proposal, ACC is concerned that, despite its focus on fuels, the proposed approach could set a misguided precedent which hinders development of advanced recycling projects critical to the increased use of recycled plastics and progress towards a more circular economy. Although ACC has taken the position that products derived from advanced recycling which are sold as fuel should not be considered "recycled material," we support advanced recycling as an important solution to reduce the amounts of post-use plastics going to landfills, being incinerated, or released into the environment through improper management. Many states have aligned with this position through enactment of supportive legislation recognizing advanced recycling as a manufacturing process.

Despite clear benefits made available through advanced recycling and supporting legislative momentum among the U.S. states, the proposed SNURs seems to reflect a lack of strategic coordination and alignment within EPA on advanced recycling. At times, EPA reaffirms that its risk management approach for advanced recycling has ensured public health and safety,[17] yet the Office of Pollution Prevention and Toxics (OPPT) is exploring new requirements under TSCA while the Office of Air and Radiation (OAR) considers application of rules intended for solid waste incineration units despite extensive information showing that advanced recycling is a manufacturing process very much different from waste combustion.[18]

---

[16] 40 C.F.R. § 721.160(b)(1) (emphasis added).
[17] See, e.g., Letter from Assistant Administrator Michal Freedhoff to Senator Merkley (Apr. 28, 2023).
[18] See ACC comments in response to EPA's advance notice of proposed rulemaking, Docket No. EPA-HQ-OAR-2021-0382 on "Potential Future Regulation Addressing Pyrolysis and Gasification Units," https://downloads.regulations.gov/EPA-HQ-OAR-2021-0382-0082/attachment_1.pdf.

ACC would welcome the opportunity to meet with EPA leadership to clarify misconceptions about advanced recycling, provide further information about the technologies to support an aligned and coordinated approach by the Agency, and invite Agency officials to an advanced recycling facility for a first-hand sense of their operations. ACC stands ready to be a constructive, solutions-oriented partner on these issues.

Thank you for consideration of these comments.

Sincerely,

Lee Salamone

Senior Director
ACC Plastics Division

NOT YET SCHEDULED FOR ORAL ARGUMENT

No. 23-1096

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

CHEROKEE CONCERNED CITIZENS,
Petitioner,

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY, et al.,
Respondents.

On Petition for Review of Action by the Environmental Protection Agency

---

UNOPPOSED MOTION FOR VOLUNTARY REMAND

TODD KIM
Assistant Attorney General

REDDING COFER CATES
Environment and Natural Resources Division
U.S. Department of Justice
Post Office Box 7611
Washington, D.C. 20044
(202) 514-2617
Redding.Cates@usdoj.gov
Counsel for Respondents

Of Counsel:
Sonja Rodman
Don Sadowsky
Maggie Clark
U.S. Environmental Protection Agency
Office of General Counsel

INTRODUCTION

Petitioner Cherokee Concerned Citizens challenges an order under Section 5(e) of the Toxic Substances Control Act, 15 U.S.C. § 2604(e), that EPA signed on August 25, 2022. While EPA believes that this Petition was filed out of time, EPA nevertheless has identified potential infirmities with the order that make reconsideration of the order appropriate.

EPA requests that the Court grant this motion for voluntary remand so that EPA may withdraw the order and reconsider the 18 premanufacture notices (PMNs) covered by the order, proceeding in accordance with TSCA Section 5(e).[1]

Petitioner does not oppose EPA's request for remand but submits that the Court should order remand with vacatur. Petitioner intends to file a response elaborating its position on vacatur by September 30.

---

[1] EPA has not withdrawn the order as it is currently subject to this Court's exclusive jurisdiction pursuant to TSCA section 19(a)(1)(A) which provides that the U.S. courts of appeals shall have "exclusive jurisdiction of any action to obtain judicial review . . . of such a rule or order." 15 U.S.C. § 2618(a)(1)(A).

BACKGROUND

A. Statutory background

Under TSCA, EPA evaluates potential risks from new and existing chemical substances and acts to address any unreasonable risks that the chemicals may present to human health and the environment. Section 5 requires a person intending to manufacture or import a new chemical substance to submit to EPA a pre-manufacture notice (PMN) prior to commencement of manufacture. 15 U.S.C. § 2604.

EPA must then review that PMN to make a determination pertaining to the likelihood that the new chemical substance "presents an unreasonable risk of injury to health or the environment." *Id.* § 2604(a)(3)(A). Section 5(e) provides that when EPA has determined that "in the absence of sufficient information . . . the substance may present an unreasonable risk of injury to health or the environment":

> the Administrator shall issue an order, to take effect on the expiration of the applicable review period, to prohibit or limit the manufacture, processing, distribution in commerce, use, or disposal of such substance or to prohibit or limit any combination of such activities to the extent necessary to protect against an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use,

> and the submitter of the notice may commence manufacture of the chemical substance, or manufacture or processing of the chemical substance for a significant new use, including while any required information is being developed, only in compliance with the order.

Id. § 2604(e)(1)(A).

B. Factual background

On June 7th, 8th, and 14th of 2021, Chevron USA, Inc. (Chevron) submitted eighteen PMNs to EPA for approval.[2] On July 21, 2021, EPA published a Federal Register notice indicating that it had "approved" the PMNs submitted by Chevron for 18 new chemicals. 86 Fed. Reg. 38475.

Following EPA's review of the PMNs, EPA and Chevron signed a Section 5(e) consent order (the "Section 5 Order") on August 25, 2022.[3] Doc. No. 1994141 at 7. The Section 5 Order provides that Chevron may manufacture, process, distribute in commerce, use, or dispose of the new chemical substances at issue only in accordance with the

---

[2] The eighteen PMNS were submitted across five different consolidated filings, which is why EPA's "approval" of the PNMs is listed in five sets of numbers (*e.g.* PMNs P-21-0144, P-21-0145, P-21-0456 and P-21-0457 are listed as P-21-0144-0147). *See* 86 Fed. Reg. 38475 (Premanufacture Notice Numbers P-21-0144-0147, P-21-0148-0150, P-21-0152-0154, P-21-0155-0158, P-21-0160-0163).

[3] This Order applies to all 18 of the PMNs.

requirements and conditions described in the order. *Id.* The Section 5 Order was based on the EPA's determination, in accordance with Section 5(a)(3)(B)(ii)(I), that—in the absence of sufficient information to permit the Agency to make a reasoned evaluation of the health and environmental effects of the new chemical substances—the substances may present an unreasonable risk of injury to health or the environment. *Id.* at 14, 30-39. The Section 5 Order lists "Requirements" that specify conditions for manufacturing, processing, use, and distribution of the substances that EPA determined were necessary to prevent unreasonable risk. Santacroce Decl., App. C at 6-14.

Following issuance of the Order, EPA prepared a document entitled "Chevron Waste Plastics Risk Summary and Characterization" ("2023 Risk Characterization"). Barash Decl. ¶ 5, Att. A. The analysis contained in this risk characterization is not contained in the administrative record of EPA's determination that led to the Order's issuance.

C. Procedural History

On April 7, 2023, Petitioner filed this petition for review. Doc. No. 1994141. On November 8, 2023, EPA moved to dismiss the petition as

untimely. Doc. No. 2026024. On February 23, 2024, this Court issued an order referring the fully briefed motion to dismiss to the merits panel. Doc. No. 2041659. Petitioner filed its opening brief on May 10, 2024. Doc. No. 2053884. The Environmental Defense Fund filed an *amicus* brief in support of petition on May 17, 2024. Doc. No. 2055165. On June 6, 2024, EPA filed an unopposed motion to extend the briefing schedule because it "is engaging in further administrative deliberations regarding the order challenged in this petition that may obviate the need for continuance of this litigation." Doc. No. 2058302. The Court granted the motion the following day, imposing the following remaining briefing schedule:

Respondents' Brief	September 9, 2024
Petitioner Reply Brief	October 16, 2024
Deferred Appendix	November 6, 2024
Final Briefs	November 20, 2024

ARGUMENT

Voluntary remand is appropriate here. EPA seeks a remand of the challenged order so that it may "reconsider its previous position." Barish Decl. ¶ 7. *SKF USA Inc v. United States,* 254 F.3d 1022, 1029

(Fed. Cir. 2001). Here, EPA "has doubts about the correctness of its decision." *Id.* In this instance, the court has discretion over whether to grant remand. *See Southwestern Bell Tel. Co. v. FCC,* 10 F.3d 892, 896 (D.C.Cir.1993) (noting that the court had previously allowed a remand to the FCC where the FCC sought voluntary remand "to give further consideration to the matters addressed in the [FCC's] orders"), cert. denied, 512 U.S. 1204 (1994); *Wilkett v. Interstate Commerce Comm'n*, 710 F.2d 861, 863 (D.C.Cir.1983) (noting that the court had granted the Commission's motion for remand for purposes of reconsideration). Where the agency's concern is "substantial and legitimate, a remand is usually appropriate." *SKF USA Inc.*, 254 F.3d 1022 at 1029.

Here, EPA has substantial concerns that the Section 5 Order may have been made in error. Barish Decl. ¶ 7. On remand, EPA intends to withdraw the order, and will promptly do so once the Court rules on this motion. *Id.*¶ 8. Vacatur is not necessary, given EPA's stated intention to promptly withdraw the order and the consent of Petitioners. *See id.* Once withdrawn, EPA will reconsider, and, if appropriate, revise the determinations required in TSCA Section 5

regarding Chevron's PMNs. *Id.*

In sum, a voluntary remand is appropriate because it will allow EPA to withdraw the order and thereby moot this case. EPA will then consider the issues raised in the 2023 Risk Characterization, issued after the Consent Order challenged here, as well as additional issues raised by Petitioner in its merits brief, and take further action as appropriate. Decl. ¶¶ 7-8. Moreover, EPA's request for remand will not prejudice any of the parties. Petitioner does not oppose this motion. Granting this request will benefit the parties, as it will preserve party resources by obviating the need for additional briefing on the merits of Petitioner's claims.

CONCLUSION

For all these reasons, this petition should be remanded to EPA.

Respectfully submitted,

Dated: September 20, 2024

/s/ Redding Cofer Cates

REDDING COFER CATES
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
(T) (202) 514-2617

Redding.Cates@usdoj.gov

Counsel for Respondents Environmental Protection Agency and Michael S. Regan, Administrator

CERTIFICATE OF COMPLIANCE

I certify that the foregoing motion complies with the requirements of Fed. R. App. P. 27(d) because it contains 1270 words and is formatted in double-spaced, 14-point Century Schoolbook font.

Dated: September 20, 2024

Respectfully submitted,

/s/ *Redding Cofer Cates*
Redding Cofer Cates

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
NOT YET SCHDUELED FOR ORAL ARGUMENT

CHEROKEE CONCERNED CITIZENS, *Petitioner*, v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al., *Respondents.*	No. 23-1096

DECLARATION OF SHARI BARASH

I, Shari Barash, under penalty of perjury, affirm and declare that the following statements are true and correct to the best of my knowledge and belief, and are based on my own personal knowledge or on information contained in the records of the United States Environmental Protection Agency (EPA) or supplied to me by EPA employees under my supervision.

1. I am the Director of the New Chemicals Division within the Office of Pollution Prevention and Toxics of the United States

Environmental Protection Agency, which is located at 1200 Pennsylvania Avenue, NW, Washington, D.C. 204640.

2. As part of my duties as Director, I manage the team of EPA staff responsible for implementation of the Toxic Substances Control Act (TSCA) New Chemicals Program. Under this program, the Agency reviews submissions of new chemical substances to ascertain the likelihood that the substances may present an unreasonable risk of injury to health or the environment and takes action as needed to address any such risks.

3. This declaration is filed in support of EPA's Unopposed Motion for Voluntary Remand in the above-captioned petition for review. The purpose of this declaration is to explain the basis for EPA's request that the court remand the Consent Order at issue in this case back to EPA.

4. In 2022, EPA reviewed 18 premanufacture notices (PMNs) submitted by Chevron USA Inc. (Chevron) to EPA under TSCA Section 5. The eighteen PMNs were submitted across five different consolidated filings. EPA prepared an integrated risk assessment (the "2022 Integrated Risk Assessment") pertaining to the 18 PMNs. Following

EPA's review, EPA made determinations pertaining to the likelihood that the new chemical substances would present an unreasonable risk of injury to health or the environment.

5. On August 25, 2022, EPA signed the final TSCA Section 5(e) Consent Order that was issued to Chevron and is the subject of this litigation ("Chevron Consent Order"). That order was based on the EPA's determination under Section 5(a)(3)(B)(ii)(I) that—in the absence of sufficient information to permit the Agency to make a reasoned evaluation of the health and environmental effects of the new chemical substances—the substances may present an unreasonable risk of injury to health or the environment.

5. Several months after the Order was issued, in 2023, EPA prepared a document entitled "Chevron Waste Plastics Risk Summary and Characterization" ("2023 Risk Characterization") attached to this declaration as Attachment A.

6. The 2023 Risk Characterization provides clarification and additional information regarding the risk assessment approach and risk estimates presented in the 2022 Integrated Risk Assessment.

7. Among other things, the document explained that:

- The New Chemicals Program uses screening-level methods and conservative assumptions that allow EPA to quickly determine whether the potential human health and environmental risks posed by the new chemical substance are of concern.
- These approaches are designed to provide a conservative estimate of risk, and in some instances due to a lack of information or other factors, can over-estimate risk.
- When coupled together, the conservative assumptions for both the hazard and exposure assessments for the 2022 integrated risk assessment for the 18 PMN substances led to an overestimate of risk.

6. The Risk Summary and Characterization document was developed after the 5(e) order was finalized.

7. Due to potential infirmities with the order and the documents that form the administrative record for the order, including the overestimate of risk discussed in the 2023 Risk Characterization, EPA has concluded it would be appropriate for the Agency to reconsider its previous position. EPA believes it would be appropriate to give

further consideration to the limitations of the 2022 Risk Assessment identified in the 2023 Risk Characterization, the alleged infirmities with the 2022 Risk Assessment's analysis and underlying data that were identified by the briefs submitted by petitioners and amicus in this case. For example, EPA may reconsider models used for the risk assessment and may consider assertions relating to the potential presence of contaminants.

8. If the Court remands the Order back to EPA, EPA intends to promptly take the following steps to withdraw the order and reperform the analysis required by TSCA Section 5 for the 18 premanufacture notices (PMNs).

A. EPA would provide Chevron with formal notice of its intent to withdraw its consent to the 5(e) order signed by EPA on August 25, 2022.

B. Subsequently, EPA would issue a formal communication to Chevron withdrawing its consent to the order.

C. Upon withdrawal of EPA's consent, the order providing that Chevron may manufacture, process, distribute in commerce, use, or dispose of the chemical substances at issue in accordance

with the requirements and conditions described in the order, and the determination under TSCA Section 5(a)(3) contained in the order, would become null and void.

D. Consequently, under TSCA Section 5(a)(4), EPA would be required to review the PMN submissions,[1] make determinations pertaining to the likelihood that the new chemical substances present an unreasonable risk of injury to health or the environment, and take any appropriate action based on those determinations.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of August 2024.

SHARI BARASH Digitally signed by SHARI BARASH Date: 2024.08.12 12:58:13 -04'00'

Shari Barash
Director
New Chemicals Division
Office of Pollution Prevention and Toxics

[1] This review would be *de novo* and would consider all pertinent information in the possession of EPA regarding the 18 PMNs, including the existing record, the 2023 Risk Characterization, and any new information received or generated by EPA.

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

February 27, 2025

Honorable Lee Zeldin, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 1101A
Washington, DC 20460

Re: Request to withdraw proposed significant new use rules (SNUR) on 18 chemical substances (Docket EPA-HQ-OPPT-2023-0245)

Dear Administrator Zeldin,

The American Chemistry Council (ACC) respectfully requests the withdrawal of the 18 proposed significant new use rules (SNURs) published at 88 Fed. Reg. 39804 (June 20, 2023). These SNURs were issued in response to 18 Premanufacture Notices (PMNs), for the following substances:

P-21-144 (40 CFR 721.11781), P-21-145 (40 CFR 721.11782), P-21-146 (40 CFR 721.11783), P-21-147 (40 CFR 721.11784), P-21-148 (40 CFR 721.11785), P-21-149 (40 CFR 721.11786), P-21-150 (40 CFR 721.11787), P-21-152 (40 CFR 721.11788), P-21-153 (40 CFR 721.11789), P-21-154 (40 CFR 721.11790), P-21-155 (40 CFR 721.11791), P-21-156 (40 CFR 721.11792), P-21-157 (40 CFR 721.11793), P-21-158 (40 CFR 721.11794), P-21-160 (40 CFR 721.11795), P-21-161 (40 CFR 721.11796), P-21-162 (40 CFR 721.11797), and P-21-163 (40 CFR 721.11798).

The proposed SNURs designate as a significant new use the manufacture of these PMN substances using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). **EPA has not provided sufficient scientific basis to support such a broad restriction.**

We urge the Environmental Protection Agency (EPA) to withdraw the proposed SNURs due to fundamental concerns about their scientific basis, regulatory appropriateness, and potential negative impacts on industry and innovation. **These barriers proposed in the previous administration have hampered progress, stalling investment in communities and American jobs.**

700 Second Street NE, Washington DC 20002 | 202.249.7000 | americanchemistry.com

ACC makes this request based on the following:

- **No statutory basis:** EPA has failed to provide a reasonable explanation or evidentiary support for its decision to propose these SNURs. EPA has not adequately addressed the statutory factors identified in TSCA section 5(a)(2) or, to the extent applicable, the regulatory factors in 40 C.F.R. § 721.170(d)(1)-(4).

  The cited references in the EPA docket for these proposed SNURs (EPA-HQ-OPPT-2023-0245) do not establish the analytical basis for the determination EPA is required to make. Moreover, the administrative record lacks additional substantiating information. Aside from referencing certain citations and making a conclusory assertion that all relevant statutory factors have been considered, EPA has not demonstrated that it has satisfied its statutory obligations.

  Furthermore, 40 C.F.R. § 721.170(d)(1)-(4) prescribes specific factors that EPA must evaluate when proposing a SNUR that imposes requirements beyond those established in a corresponding § 5(e) order, which is the case in this rulemaking proposal. To the extent this regulatory provision applies, EPA has not provided evidence that it has meaningfully considered the required factors, nor has it articulated a rationale for its departure from established rulemaking precedent.

- **Procedural concerns:** EPA has acknowledged its intent to withdraw the TSCA Section 5(e) consent order for the 18 submitted PMNs that serve as the partial basis for the proposed SNURs. Given that the proposed SNURs are premised in part on the existence of this consent order, the withdrawal of this consent order fundamentally undermines the basis for the proposed rule. Proceeding with the SNURs despite EPA's stated intent to rescind the consent order would be procedurally flawed and unjustifiable. Accordingly, EPA should withdraw the 18 proposed SNURs in their entirety to ensure regulatory consistency and avoid unnecessary burdens on industry.

  EPA's authority to issue a Significant New Use Rule (SNUR) applies to new and significant new uses of a chemical once it exists. However, the proposed SNURs

700 Second Street NE, Washington DC 20002 | 202.249.7000 | americanchemistry.com

attempt to regulate feedstocks used to make the chemical, not the chemical itself. Regulating impurities in raw materials before a substance is even created goes beyond the scope of EPA's SNUR authority. If EPA has concerns about impurities in feedstocks, it should address them through regulations specific to those feedstocks, rather than improperly extending SNURs beyond their intended scope.

- **No scientific basis:** EPA has identified the presence of the listed impurities in post-use plastics, but it has not established a scientific connection between these impurities and any demonstrated risk associated with the proposed SNUR substances. Neither the preamble nor the cited literature in the administrative record acknowledge that the feedstocks used to produce these substances undergo pyrolysis, a process in which the post-use plastics are heated to high temperatures in the absence of oxygen. They are further processed and refined before end use. There is no scientific basis for restricting any amount of the identified impurities in the proposed SNUR substances. That scientific basis must meet the requirements of TSCA section 26(h), (i), and (j). The information EPA provided in the preamble and the record fails to meet those requirements.

Further policy concerns:

- **Unclear definitions:** The EPA proposal aims to regulate the use of "feedstocks" for those proposed SNUR substances. EPA has not clarified what it means by "feedstocks." Post-use plastics may be pyrolyzed to make pyrolysis oils. Those pyrolysis oils are used to manufacture the proposed SNUR substances.

  EPA should provide clear definitions of what it refers to as "feedstocks" for the proposed SNUR substances and whether the post-use plastics or the pyrolysis oils are the "feedstocks." It is understood that post-use plastics may contain impurities identified by EPA, though, these impurities are not likely found in pyrolysis oil. Most or all impurities would be destroyed during the pyrolysis process and during further refining. If EPA is referring to the pyrolysis oils, feedstocks are covered by SNURs already.

700 Second Street NE, Washington DC 20002 | 202.249.7000 | americanchemistry.com

- **Set a risk-based threshold:** The proposed SNURs did not include a *de minimis* threshold level above which the regulation would apply. EPA should establish risk-based *de minimis* thresholds for trace amounts of certain impurities in chemicals so that regulatory decisions under TSCA are based on identified risk rather than mere presence. Thresholds should be chemical specific and identified by chemical numbers (CAS #) in the proposed SNURs for pyrolysis products. It is impractical for the regulated community to confirm the complete absence of a listed contaminant. At trace levels below a *de minimis* threshold, the health and environmental risk is negligible.

- **Proposed SNURs have hindered U.S. manufacturing:** The proposed requirements already have, and would continue to, impede new innovations that address the needs of the U.S. economy and do not put America First. The proposed rules have hindered the development of advanced recycling projects and progress towards a more circular plastics economy. Re-manufacturing plastic through advanced recycling – instead of simply wasting it – strengthens our domestic supply chain, creates jobs, and reduces our environmental footprint. It represents an opportunity for the U.S. to lead the world in stronger, more resilient, and sustainable manufacturing.

  There are few more surefire paths to stifling innovation than ambiguous regulations. **This SNUR should be withdrawn immediately to reduce regulatory burden and promote U.S. manufacturing and innovation.**

Please see our comments submitted on August 18, 2023 (attachment) for greater detail. Thank you for your consideration.

Sincerely,

Chris Jahn
President and Chief Executive Officer
American Chemistry Council

700 Second Street NE, Washington DC 20002 | 202.249.7000 | americanchemistry.com

Attachments:

Attachment A – ACC Comments Submitted to Docket No. EPA-HQ-OPPT-2023-0245

Attachment B – EPA Proposed SNURs 23-2.5e_6-20-23

Attachment C – Section 5(e) order_08-25-2022

Attachment D – Cherokee Concerned Citizens v. EPA_ Unopposed Motion For Voluntary Remand

700 Second Street NE, Washington DC 20002 | 202.249.7000 | americanchemistry.com

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2023–0245; FRL–10985–01–OCSPP]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances (23–2.5e)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for certain chemical substances that were the subject of premanufacture notices (PMNs) and are also subject to an Order issued by EPA pursuant to TSCA. The SNURs require persons who intend to manufacture (defined by statute to include import) or process any of these chemical substances for an activity that is proposed as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification initiates EPA's evaluation of the use, under the conditions of use for that chemical substance, within the applicable review period. Persons may not commence manufacture or processing for the significant new use until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required by that determination.

DATES: Comments must be received on or before July 20, 2023.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2023–0245, through the Federal eRulemaking Portal at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: William Wysong, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–4163; email address: *wysong.william@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What is the Agency's authority for taking this action?

TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the four TSCA section 5(a)(2) factors listed in Unit II.

B. What action is the Agency taking?

EPA is proposing these SNURs under TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) for certain chemical substances that were the subject of PMNs. These proposed SNURs would require persons to notify EPA at least 90 days before commencing the manufacture or processing of any of these chemical substances for an activity proposed as a significant new use. Receipt of such notices would allow EPA to assess risks and, if appropriate, to regulate the significant new use before it may occur.

The docket for these proposed SNURs, identified as docket ID number EPA–HQ–OPPT–2023–0245, includes information considered by the Agency in developing these proposed SNURs.

C. Why is the Agency taking this action?

The Agency is proposing these SNURs to ensure that EPA receives timely advanced notice of any future manufacturing (including importing) or processing of the chemical substances subject to these proposed SNURs for uses identified as significant new uses, and to ensure that an appropriate determination (relevant to the potential risks associated with such manufacturing (including importing), processing, distribution in commerce, use and disposal) has been issued prior to the commencement of such manufacturing (including importing) or processing. The proposed SNURs are necessary to ensure that manufacturing (including import) or processing for significant new uses cannot proceed until EPA has responded to the planned new use circumstances by taking the required actions under TSCA sections 5(e) or 5(f) in the event that EPA determines that: (1) The significant new use presents an unreasonable risk under the conditions of use (without consideration of costs or other nonrisk factors, and including an unreasonable risk to a potentially exposed or susceptible subpopulation (PESS) identified as relevant by EPA); (2) The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the significant new use; (3) In the absence of sufficient information, the manufacturing (including importing), processing, distribution in commerce, use, or disposal of the substance, or any combination of such activities, may present an unreasonable risk (without consideration of costs or other nonrisk factors, and including an unreasonable risk to a PESS identified as relevant by EPA); or (4) There is substantial production and sufficient potential for environmental release or human exposure (as defined in TSCA section 5(a)(3)(B)(ii)(II)). For manufacturing (including importing) or processing for the significant new use to proceed after EPA has made one of these four determinations, EPA must take actions under TSCA sections 5(e) or 5(f) to protect health and the environment. However, EPA may also determine that the significant new use is not likely to present an unreasonable risk under TSCA section 5(a)(3)(C), after which manufacturing (including importing) or processing for the significant new use may proceed.

The rationale and objectives for this proposed SNUR are further explained in Unit II.B.

D. Does this action apply to me?

1. General applicability.

This action may apply to you if you manufacture (defined by statute to include import), process, or use the chemical substances addressed in this proposed rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

2. Applicability to importers and exporters.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import provisions promulgated at 19 CFR 12.118 through 12.127 (see also 19 CFR 127.28), and the EPA policy in support of import

certification at 40 CFR part 707, subpart B. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and Orders under TSCA, including regulations issued under TSCA sections 5, 6, 7 and Title IV.

In addition, pursuant to 40 CFR 721.20, this action may also apply to any persons who export or intend to export a chemical substance that is the subject of this proposed rule on or after July 20, 2023 are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see 40 CFR 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

E. What are the estimated incremental impacts of this action?

EPA has evaluated the potential costs of establishing SNUR reporting requirements for potential manufacturers (including importers) and processors of the chemical substances included in this proposed rule. This analysis, which is available in the docket, is briefly summarized here.

1. Estimated costs for SNUN submissions.

If a SNUN is submitted, costs are an estimated $26,700 per SNUN submission for large business submitters and $11,000 for small business submitters. These estimates include the cost to prepare and submit the SNUN (including registration for EPA's Central Data Exchange (CDX)), and the payment of a user fee. Businesses that submit a SNUN would be subject to either a $19,020 user fee required by 40 CFR 700.45(c)(2)(ii) and (d), or, if they are a small business as defined at 13 CFR 121.201, a reduced user fee of $3,300 (40 CFR 700.45(c)(1)(ii) and (d)) per fiscal year 2022. The costs of submission for SNUNs will not be incurred by any company unless a company decides to pursue a significant new use as defined in this proposed SNUR. Additionally, these estimates reflect the costs and fees as they are known at the time of this rulemaking.

2. Estimated costs for export notifications.

EPA has also evaluated the potential costs associated with the export notification requirements under TSCA section 12(b) and the implementing regulations at 40 CFR part 707, subpart D, which require exporters to notify EPA if they export or intend to export a chemical substance or mixture for which, among other things, a rule has been proposed or promulgated under TSCA section 5. For persons exporting a substance that is the subject of a SNUR, a one-time notice to EPA must be provided for the first export or intended export to a particular country. The total costs of export notification will vary by chemical, depending on the number of required notifications (*i.e.,* the number of countries to which the chemical is exported). While EPA is unable to make any estimate of the likely number of export notifications for the chemical substances covered by these proposed SNURs, as stated in the accompanying economic analysis, the estimated cost of the export notification requirement on a per unit basis is approximately $106.

F. What should I consider as I prepare my comments for EPA?

1. Submitting CBI.

Do not submit this information to EPA through *https://www.regulations.gov* or email. If you wish to include CBI in your comment, please follow the applicable instructions at *https://www.epa.gov/dockets/commenting-epa-dockets#rules* and clearly mark the part or all of the information that you claim to be CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. Tips for preparing your comments.

When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Background

A. Significant New Use Determination

1. Determination factors.

TSCA section 5(a)(2) states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In addition to the factors enumerated in TSCA section 5(a)(2), the statute authorizes EPA to consider any other relevant factors.

2. Scientific standards, evidence, and available information.

EPA has used reasonably available information, as well as technical procedures, measures, methods, protocols, methodologies, and models consistent with the best available science, as applicable. These information sources supply information relevant to whether a particular use would be a significant new use, based on relevant factors including those listed under TSCA section 5(a)(2).

The clarity and completeness of the data, assumptions, methods, quality assurance, and analyses employed in EPA's decision are documented, as applicable and to the extent necessary for purposes of the proposed SNURs, in the references cited throughout the preamble of this proposed rule. The extent to which the various information, procedures, measures, methods, protocols, methodologies or models used in EPA's decision have been subject to independent verification or peer review is adequate to justify their use, collectively, in the record for a significant new use rule.

3. Determination for these chemical substances.

In determining what would constitute a significant new use for the chemical substances that are the subject of these proposed SNURs, EPA considered relevant information about the toxicity of the chemical substances and potential human exposures and environmental releases that may be associated with possible uses of these chemical substances, in the context of the four TSCA section 5(a)(2) factors listed in Unit II.A.1.

These proposed SNURs include PMN substances that are subject to Orders issued under TSCA section 5(e)(1)(A), as required by the determinations made under TSCA section 5(a)(3)(B). The TSCA Orders require protective measures to limit exposures or otherwise mitigate the potential unreasonable risk. The proposed SNURs identify significant new uses as any manufacturing, processing, use, distribution in commerce, or disposal that does not conform to the restrictions imposed by the underlying TSCA Orders, consistent with TSCA section 5(f)(4).

The 18 proposed rules also identify as an additional significant new use, manufacturing or processing of the chemical substances using feedstocks that contain any amount of contaminants listed in the proposed rules. This preamble also identifies the sources of data documenting the presence or absence of such contaminants in pyrolysis products

derived from plastic waste. The 18 proposed rules identify as an additional significant new use the manufacturing or processing of the chemical substances using feedstocks that contain any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(i) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(ii) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(iii) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

By identifying this additional significant new use, EPA is ensuring these substances cannot be manufactured or processed using feedstocks that contain these substances, without additional Agency review. EPA is determining that this is a significant new use because subsequent to issuance of the TSCA section 5(e) orders for these substances EPA became aware that the precursor chemicals for the PMN substances may contain contaminants of concern that were not previously identified. See the following references to sources of these chemical substances in this unit:

- US EPA (2016). "State of the Science White Paper: A Summary of Literature on the Chemical Toxicity of Plastics Pollution to Aquatic Life and Aquatic-Dependent Wildlife." Document ID No. EPA–822–R–16–009 (2016). See *https://www.epa.gov/sites/default/files/2016-12/documents/plastics-aquatic-life-report.pdf.*
- European Chemicals Agency (August 2021), entitled "Chemical Recycling of Polymeric Materials from Waste in the Circular Economy Final Report." See *https://echa.europa.eu/documents/10162/1459379/chem_recycling_final_report_en.pdf/887c4182-8327-e197-0bc4-17a5d608de6e.*
- Environmental Defense Fund Supply Chain Solutions Center (2022). Understanding Packaging Scorecard as referenced by the Environmental Defense Fund entitled "Key chemicals of concern in food packaging and food handling equipment." See *https://supplychain.edf.org/files/downloadable-TABLE-CoCs-in-Food-Packaging.pdf.*
- Whitehead, Heather et al. (2023). "Directly Fluorinated Containers as a Source of Perfluoroalkyl Carboxylic Acids." Environ. Sci. Technol. Lett. 2023, 10, 4, 350–355, Publication Date: March 6, 2023. See *https://doi.org/10.1021/acs.estlett.3c00083.*
- US EPA (2021). Research BRIEF: "Potential PFAS Destruction Technology: Pyrolysis and Gasification." January 2021. See *https://www.epa.gov/sites/default/files/2021-01/documents/pitt_research_brief_pyrolysis_final_jan_27_2021_508.pdf.*
- Thoma, Eben et al. (2022). "Pyrolysis processing of PFAS-impacted biosolids, a pilot study." Journal of the Air and Waste Management Association. February 2022. See *https://doi.org/10.1080/10962247.2021.2009935.*
- Turner et al. (2021). "Hazardous metal additives in plastics and their environmental impacts." Environment International, Volume 156, November 2021, 106622. See *https://www.sciencedirect.com/science/article/pii/S0160412021002476.*

For each of the 18 proposed SNURs containing significant new uses not based on the Order requirements, EPA is also proposing to make the general reporting exemption described in 40 CFR 721.45(i) inapplicable to each SNUR to ensure that persons subject to the Order would also be subject to the significant new use notification requirements in this proposed rule, including those that are not based on Order requirements. 40 CFR 721.45(i) provides that the notification requirements of 40 CFR 721.25 do not apply, unless otherwise specified in a specific SNUR, if: "The person is operating under the terms of a consent order issued under TSCA section 5(e) applicable to that person. If a provision of such TSCA section 5(e) order is inconsistent with a specific significant new use identified in subpart E of 40 CFR part 721, abiding by the provision of the TSCA section 5(e) order exempts the person from submitting a significant new use notice for that specific significant new use." EPA is now proposing these SNURs to require notice to and review by EPA before these chemicals are used in new ways that might create concerns due to increases in exposures or environmental releases.

B. Rationale and Objectives of This Proposed Rule

1. Rationale.

During review of the PMNs submitted for the chemical substances that are subject to these proposed SNURs, EPA concluded that regulation was warranted under TSCA section 5(e), pending the development of information sufficient to make reasoned evaluations of the health or environmental effects of the chemical substances. The basis for such findings is outlined in Unit III. Based on these findings, TSCA section 5(e) Orders requiring the use of appropriate exposure controls were negotiated with the PMN submitters. As a general matter, EPA believes it is necessary to follow the TSCA Orders with a SNUR that identifies the absence of those protective measures as significant new uses to ensure that all manufacturers and processors—not just the original submitter—are held to the same standard.

Subsequent to the issuance of TSCA section 5(e) orders for these substances EPA became aware that the precursor chemicals for the PMN substances may contain contaminants not previously identified, whose presence might indicate a risk that needs to be addressed.

2. Objectives.

EPA is proposing these SNURs for specific chemical substances which have undergone premanufacture review because the Agency wants:

- To identify as significant new uses any manufacturing, processing, use, distribution in commerce, or disposal that does not conform to the restrictions imposed by the underlying TSCA Orders, consistent with TSCA section 5(f)(4).
- To identify as an additional significant new use, manufacturing or processing of the chemical substances using feedstocks that contain any amount of the chemicals listed in proposed rules.
- To have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing a listed chemical substance for the described significant new use.
- To be able to either determine that the prospective manufacture or processing is not likely to present an unreasonable risk, or to take necessary regulatory action associated with any other determination before the described significant new use of the chemical substance.

C. Applicability of General Provisions to These Proposed SNURs

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons required to submit a Significant New Use Notice (SNUN), recordkeeping requirements, and exemptions to reporting requirements, among other things.

Provisions relating to user fees appear at 40 CFR part 700. Pursuant to 40 CFR 721.1(c), persons submitting a SNUN are subject to the same requirements and regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). These include the information submission requirements of TSCA sections 5(b) and 5(d)(1), the exemptions authorized by TSCA sections 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720, except where modified in part 721.

Once EPA receives a SNUN, and before the manufacture or processing for the significant new use can commence, EPA must either determine that the use addressed in the SNUN is not likely to present an unreasonable risk of injury under the conditions of use for the chemical substance or take such regulatory action as is associated with an alternative determination. If EPA determines that the use is not likely to present an unreasonable risk, EPA is required under TSCA section 5(g) to make public, and submit for publication in the **Federal Register**, a statement of EPA's findings.

D. Applicability of the Proposed SNURs to Uses Occurring Before the Effective Date of the Final Rule

Any use that EPA determines, in the final rule, was ongoing as of the date of publication of this proposal and did not cease prior to issuance of the final rule, will not be designated as a significant new use in the final rule. EPA has no information to suggest that any of the significant new uses identified in this proposed rule are ongoing and, as explained below, has information indicating that none of the chemical substances subject to the SNURs proposed in this document are being manufactured or processed in the United States for commercial purposes.

The chemical substances subject to this proposed rule have undergone premanufacture review. In cases where EPA has not received a notice of commencement (NOC) and the chemical substance is not on the TSCA Inventory, no person may commence any activities without first submitting a PMN. Therefore, when EPA has received a PMN for a chemical substance but has not received a NOC for that same substance, the fact that a NOC has not been received is evidence that no manufacturing or processing of the chemical substance is occuring in the United States. EPA has not received a notice of commencement for any of the chemical substances in this proposed SNUR, which indicates that the substances have not been manufactured for commercial purposes, with or without the chemical substances that would constitute a significant new use.

As discussed in the **Federal Register** of April 24, 1990 (55 FR 17376 (FRL–3658–5)), EPA has decided that the intent of TSCA section 5(a)(1)(B) is best served by designating a use as a significant new use as of the date of publication of the proposed rule rather than as of the effective date of the final rule. The objective of EPA's approach is to ensure that a person cannot impede finalization of a SNUR by initiating a significant new use after publication of the proposed rule but before the effective date of the final rule. Uses arising after the publication of the proposed rule are distinguished from uses that are identified in the final rule as having been ongoing on the date of publication of the proposed rule. The former would be new uses, the latter ongoing uses, except that uses that are identified as ongoing as of the publication of the proposed rule would not be considered ongoing uses if they have ceased by the date of issuance of a final rule.

In the unlikely event that before a final rule becomes effective a person begins commercial manufacturing (including importing) or processing of the chemical substances for a use that is designated as a significant new use in that final rule, such a person would have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons would have to first comply with all applicable SNUR notification requirements and wait until all TSCA prerequisites for the commencement of manufacture or processing have been satisfied.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Chemical Substance Inventory (TSCA Inventory). Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the internet at *https://www.epa.gov/tsca-inventory.*

E. Important Information About SNUN Submissions

1. SNUN submissions.

According to 40 CFR 721.1(c), persons submitting a SNUN must comply with the same notification requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40. E–PMN software is available electronically at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca.*

2. Development and submission of information with the SNUN.

EPA recognizes that TSCA section 5 does not require developing any particular new information (*e.g.,* generating test data) before submission of a SNUN. There is an exception: If a person is otherwise required to submit information for a chemical substance subject to the SNUR pursuant to a rule, TSCA Order or consent agreement under TSCA section 4, then TSCA section 5(b)(1)(A) requires such information to be submitted to EPA at the time of submission of the SNUN.

In the absence of a rule, Order, or consent agreement under TSCA section 4 covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known or reasonably ascertainable (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency may determine under TSCA section 5(e) that it is necessary to require appropriate testing. Unit IV. lists potentially useful information for the SNURs listed in this document. Descriptions of this information is provided for informational purposes. The potentially useful information identified in Unit III. will be useful to EPA's evaluation in the event that someone submits a SNUN for the significant new use.

EPA strongly encourages persons to consult with the Agency before performing any testing. Furthermore, pursuant to TSCA section 4(h), which pertains to reduction of testing in vertebrate animals, EPA encourages dialog with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the recommended test data. EPA encourages dialog with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h). For more information on alternative test methods and strategies to reduce vertebrate animal testing, visit *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/alternative-test-methods-and-strategies-reduce.*

The potentially useful information listed in Unit III. may not be the only means of addressing the potential risks of the chemical substance. However, submitting a SNUN without any test data or other information may increase the likelihood that EPA will take action

under TSCA sections 5(e) or 5(f). EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.
- Information on risks posed by the chemical substances compared to risks posed by potential substitutes.

III. Substances Subject to This Proposed Rule

EPA is proposing significant new use and recordkeeping requirements for certain chemical substances in 40 CFR part 721, subpart E. EPA provides the following information for each chemical substance that is identified in this unit as subject to this proposed rule:

- PMN number (the proposed CFR citation assigned in the regulatory text section of the proposed rule).
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service (CAS) Registry number (if assigned for non-confidential chemical identities).
- Effective date of and basis for the TSCA Section 5(e) Order.
- Potentially Useful Information.

The chemicals subject to these proposed SNURs are as follows:

PMN Numbers (proposed 40 CFR citation): P–21–144 (40 CFR 721.11781), P–21–145 (40 CFR 721.11782), P–21–146 (40 CFR 721.11783), P–21–147 (40 CFR 721.11784), P–21–148 (40 CFR 721.11785), P–21–149 (40 CFR 721.11786), P–21–150 (40 CFR 721.11787), P–21–152 (40 CFR 721.11788), P–21–153 (40 CFR 721.11789), P–21–154 (40 CFR 721.11790), P–21–155 (40 CFR 721.11791), P–21–156 (40 CFR 721.11792), P–21–157 (40 CFR 721.11793), P–21–158 (40 CFR 721.11794), P–21–160 (40 CFR 721.11795), P–21–161 (40 CFR 721.11796), P–21–162 (40 CFR 721.11797), and P–21–163 (40 CFR 721.11798).

Chemical Names: Naphtha, heavy catalytic cracked (generic) (P–21–144), Naphtha, heavy alkylate (generic) (P–21–145), Naphtha, full range alkylate, butane–contg. (generic) (P–21–146), Naphtha, hydrotreated heavy (generic) (P–21–147), Naphtha, light catalytic cracked (generic) (P–21–148), Naphtha, light alkylate (generic) (P–21–149), Naphtha, hydrotreated light (generic) (P–21–150), Clarified oils, catalytic cracked (generic) (P–21–152), Distillates, hydrotreated heavy (generic) (P–21–153), Gas Oils hydrotreated vacuum (generic) (P–21–154), Distillates, light catalytic cracked (generic) (P–21–155), Distillates, clay-treated middle (P–21–156), Distillates, hydrotreated middle (generic) (P–21–157), Distillates, hydrotreated light (generic) (P–21–158), Gases, C4-rich (generic) (P–21–160), Gases, catalytic cracking (generic) (P–21–161), Residues, butane splitter bottoms (generic) (P–21–162), and Tail gas, saturate gas plant mixed stream, C4-rich (generic) (P–21–163).

CAS Numbers: Not available.

Effective Date of TSCA Order: August 25, 2022.

Basis for TSCA Order: The PMNs state that the uses will be as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting). Based on analogous mixtures and constituents of the PMN substances, EPA has identified concerns for skin and eye irritation, acute toxicity, systemic toxicity (neurotoxicity, body weight effects, and liver, kidney, blood, spleen, and other organ effects), reproductive and developmental toxicity, oral and inhalation portal entry effects, genetic toxicity, and carcinogenicity. Based on the petroleum chemical composition, EPA has also identified concerns for hydrocarbon pneumonia/aspiration hazard and respiratory tract irritation. Based on comparison to analogous fuel streams, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 0.03 ppb. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

- No manufacture, processing, or use of the PMN substances other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090;
- Use of personal protective equipment where there is a potential for dermal exposure; and
- Establishment of a hazard communication program.

The proposed SNUR would designate as a ''significant new use'' the absence of these protective measures. Additionally, the proposed SNUR would designate the following as a significant new use:

- Manufacture of the PMN substances using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(i) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(ii) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(iii) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

Potentially Useful Information: EPA has determined that certain information may be potentially useful in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. EPA has determined that the results of skin irritation, eye irritation, respiratory depression/irritation, hydrocarbon pneumonia/aspiration hazard, reproductive developmental toxicity, systemic toxicity, genetic toxicity, carcinogenicity, aquatic toxicity, and consumer inhalation exposure at gas station testing may be potentially useful to characterize the health and environmental effects of the PMN substances. Although the Order does not require these tests, the Order's restrictions remain in effect until the Order is modified or revoked by EPA based on submission of this or other relevant information.

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Orders 12866: Regulatory Planning and Review and 14094: Modernizing Regulatory Review

This action is exempt from review under Executive Order 12866 (58 FR 51735, October 4, 1993), as amended by Executive Order 14094 (88 FR 21879, April 11, 2023), because it will establish SNURs for several new chemical substances that were the subject of PMNs.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA, 44 U.S.C. 3501 *et seq.* OMB has previously approved the information collection activities contained in the existing SNUR regulations under OMB Control No. 2070–0038 (EPA ICR No. 1188.13). If an entity were to submit a SNUN to the Agency, the annual burden is estimated to be less than 100 hours per response, and the estimated burden for export notifications is less than 1.5 hours per notification. In both cases, if the firm submitting either a SNUN or export notification is already registered in CDX, the burden would be lower than the presented estimates.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

Consistent with the PRA, EPA is interested in comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden or improving the automated collection techniques.

C. Regulatory Flexibility Act (RFA)

I certify this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.* The small entities subject to the requirements of this action are potential future manufacturers (defined by statute to include importers), processors, and exporters of one or more subject chemical substances for a significant new use designated in the proposed SNURs. The requirement to submit a SNUN applies to any person (including small or large entities) who intends to engage in any activity described in the final rule as a ''significant new use.'' Because these uses are ''new,'' based on all information currently available to EPA, the Agency has determined that no small or large entities presently engage in such activities. A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemicals, the Agency receives only a small number of notices per year. For example, the number of SNUNs received was 10 in Federal fiscal year (FY) FY2016, 14 in FY2017, 16 in FY2018, five in FY2019, seven in FY2020, and 13 in FY2021, and only a fraction of these were from small businesses. In addition, the Agency currently offers relief to qualifying small businesses by reducing the SNUN submission fee from $19,020 to $3,330. This lower fee reduces the total reporting and recordkeeping of cost of submitting a SNUN to about $11,164 for qualifying small firms. Therefore, the potential economic impacts of complying with this proposed SNUR are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published in the **Federal Register** of June 2, 1997 (62 FR 29684) (FRL–5597–1), the Agency presented its general determination that final SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandates as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. Based on EPA's experience with proposing and finalizing SNURs, state, local, and tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any state, local, or tribal government will be impacted by this action. As such, EPA has determined that this proposed rule would not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1501 *et seq.*).

E. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it will not have a substantial direct effect on states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action would not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. This action will not significantly nor uniquely affect the communities of tribal governments, nor would it involve or impose any requirements that affect Indian tribes.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to regulatory actions considered significant under section 3(f)(1) of Executive Order 12866 and that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of Executive Order 13045. Since this is not a ''covered regulatory action,'' Executive Order 13045 does not apply. However, the EPA Policy on Children's Health does apply to the consideration of the SNUNs submitted to EPA in response to a SNUR.

SNURs do not address an existing children's environmental health concern because the chemical uses involved in the SNUR are not ongoing uses. SNURs require that persons notify EPA at least 90 days before commencing manufacture (defined by statute to include import) or processing the chemical substances for an activity that is designated as a significant new use by this rule. This notification allows EPA to assess the intended uses to identify potential risks and take appropriate actions before the activities commence, which includes the consideration of potentially exposed or susceptible subpopulations identified as relevant for the chemical under the intended uses identified in the SNUN.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a ''significant regulatory action'' under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This action does not involve any technical standards under the NTTAA section 12(d) (15 U.S.C. 272 note).

J. Executive Orders 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994) directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations (people of color and/or indigenous peoples) and low-income populations. This action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard.

EPA believes that this action is not likely to result in new disproportionate and adverse effects on people of color, low-income populations and/or indigenous peoples because the chemical uses addressed in these SNURs are not ongoing uses. In addition, the notification required by these SNURs allows EPA to evaluate the SNUN to assess the intended uses to identify potential risks and take appropriate actions before the activities addressed in the SNUN commence, which includes the consideration of potentially exposed or susceptible subpopulations identified as relevant for the chemical under the intended uses identified in the SNUN.

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: June 13, 2023.

Denise Keehner,

Director, Office of Pollution Prevention and Toxics.

Therefore, for the reasons stated in the preamble, EPA proposes to amend 40 CFR chapter I as follows:

PART 721—SIGNIFICANT NEW USES OF CHEMICAL SUBSTANCES

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 2. Add §§ 721.11781 through 721.11798 to read as follows:

Subpart E—Significant New Uses for Specific Chemical Substances

Sec.

* * * * *

* * * * *

§ 721.11781 Naphtha, heavy catalytic cracked (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as naphtha, heavy catalytic cracked (PMN P–21–144) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

§ 721.11782 Naphtha, heavy alkylate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as naphtha, heavy alkylate (PMN P–21–145) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

§ 721.11783 Naphtha, full range alkylate, butane-contg. (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as naphtha, full range alkylate, butane-contg. (PMN P–21–146) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

§ 721.11784 Naphtha, hydrotreated heavy (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as naphtha, hydrotreated heavy (PMN P–21–147) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium,

chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

§ 721.11785 Naphtha, light catalytic cracked (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as naphtha, light catalytic cracked (PMN P–21–148) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

§ 721.11786 Naphtha, light alkylate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as naphtha, light alkylate (PMN P–21–149) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

§ 721.11787 Naphtha, hydrotreated light (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as naphtha, hydrotreated light (PMN P–21–150) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

§ 721.11788 Clarified oils, catalytic cracked (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as clarified oils, catalytic cracked (PMN P–21–152) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

§ 721.11789 Distillates, hydrotreated heavy (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as distillates, hydrotreated heavy (PMN P–21–153) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace

policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

§ 721.11790 Gas oils hydrotreated vacuum (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as gas oils hydrotreated vacuum (PMN P–21–154) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers, importers, and processors of this substance.

(2) Limitation or revocation of certain notification requirements. The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

§ 721.11791 Distillates, light catalytic cracked (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as distillates, light catalytic cracked (PMN P–21–155) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a

chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

§ 721.11792 Distillates, clay-treated middle (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as distillates, clay-treated middle (PMN P–21–156) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R' can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

§ 721.11793 Distillates, hydrotreated middle (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as distillates, hydrotreated middle (PMN P–21–157) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R' can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

§ 721.11794 Distillates, hydrotreated light (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as distillates, hydrotreated

light (PMN P–21–158) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

§ 721.11795 Gases, C4-rich (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as gases, C4-rich (PMN P–21–160) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through ((i), are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

§ 721.11796 Gases, catalytic cracking (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as gases, catalytic cracking (PMN P–21–161) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and

use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′, and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

§ 721.11797 Residues, butane splitter bottoms (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as residues, butane splitter bottoms (PMN P–21–162) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

§ 721.11798 Tail gas, saturate gas plant mixed stream, C4-rich (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as tail gas, saturate gas plant mixed stream, C4-rich (PMN P–21–163) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel, fuel additive, fuel blending stock, or use as a refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer use.* It is a significant new use to manufacture, process, or use the substance other than for processing and use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 CFR part 79 or 1090. It is a significant new use to manufacture the substance using feedstocks containing any amount of heavy metals (arsenic, cadmium, chromium VI, lead, mercury), dioxins, phthalates, per- and polyfluoroalkyl substances (PFAS), polybrominated diphenyl ethers (PBDEs), alkylphenols, perchlorates, benzophenone, bisphenol A (BPA), organochlorine pesticides (OCPs), ethyl glycol, methyl glycol, or N-methyl-2-pyrrolidone (NMP). For purposes of this SNUR *PFAS* or *per- and poly-fluoroalkyl substance* means a chemical substance that contains at least one of these three structures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″ where R′ and R″ can either be F or saturated carbons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Exemptions.* The exemption of § 721.45(i) does not apply to this section.

[FR Doc. 2023–13012 Filed 6–16–23; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 1600 and 6100

[LLHQ230000.23X.L117000000.PN0000]

RIN 1004–AE92

Conservation and Landscape Health: Extension of Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On April 3, 2023, the Bureau of Land Management (BLM) published in the **Federal Register** a proposed rule that, pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and other relevant authorities, would advance the BLM's mission to manage the public lands for multiple use and sustained yield by prioritizing the health and resilience of ecosystems across those lands. To ensure that health and resilience, the proposed rule provides that the BLM will protect intact landscapes, restore degraded habitat, and make wise management decisions based on science and data. The BLM has determined that it is appropriate to extend the comment period for the docket until July 5, 2023, to allow for additional public comment.

DATES: The comment period for the proposed rule originally published on April 3, 2023, at 88 FR 19583. Comments must be submitted on or before July 5, 2023. The BLM need not consider, or include in the administrative record for the final rule, comments that the BLM receives after the close of the comment period or comments delivered to an address other than those listed in the **ADDRESSES** section.

ADDRESSES: *Mail, personal, or messenger delivery:* U.S. Department of the Interior, Director (HQ–630), Bureau of Land Management, Room 5646, 1849 C St. NW, Washington, DC 20240, Attention: Regulatory Affairs: 1004–AE–92 or 1004–AE92. *Federal eRulemaking Portal: https://www.regulations.gov.* In the Searchbox, enter ''RIN 1004–AE–92'' and click the ''Search'' button. Follow the instructions at this website.

FOR FURTHER INFORMATION CONTACT: Patricia Johnston, project manager, Division of Wildlife Conservation, Aquatics, and Environmental Protection at *pjohnsto@blm.gov,* for information on the rule. For information on procedural matters or the rulemaking process, you may contact Chandra Little, Regulatory Analyst for the Office of Regulatory Affairs, at 202–912–7403. Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of contact in the United States.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

If you wish to comment on this proposed rule, you may submit your comments to the BLM, marked with the number RIN 1004–AE–92 or 1004–AE92, by mail, personal or messenger delivery, or through *https://www.regulations.gov* (see the **ADDRESSES** section). Please note that comments on this proposed rule's information collection burdens should be submitted to the OMB as described in the **ADDRESSES** section. Please make your comments on the proposed rule as specific as possible, confine them to issues pertinent to the proposed rule, and explain the reason for any changes you recommend. Where possible, your comments should reference the specific section or paragraph of the proposal that you are addressing. The comments and recommendations that will be most useful and likely to influence agency decisions are:

1. Those supported by quantitative information or studies; and

2. Those that include citations to, and analyses of, the applicable laws and regulations. The BLM is not obligated to consider or include in the Administrative Record for the final rule comments that we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

Comments, including names and street addresses of respondents, will be available for public review at the address listed under **ADDRESSES**: Mail, personal, or messenger delivery'' during regular business hours (7:45 a.m. to 4:15 p.m. EST), Monday through Friday, except holidays. Before including your address, telephone number, email address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Background

The proposed rule was published on April 3, 2023 (88 FR 19583), with a 75-day comment period closing on June 20, 2023. Since publication, the BLM has received requests for extension of the comment period on the proposed rule. The BLM has determined that it is appropriate to extend the comment period for the docket until July 5, 2023, to allow for additional public comment.

Laura Daniel-Davis,

Principal Deputy Assistant Secretary, Land and Minerals Management.

[FR Doc. 2023–13050 Filed 6–16–23; 8:45 am]

BILLING CODE 4331–27–P

TW 11/09/23
CJ 11/09/23
RJA 11/09/23
BM 11/09/2023

EPA Sanitized

United States Environmental Protection Agency
Office of Pollution Prevention and Toxics
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

TSCA SECTION 5 ORDER FOR A NEW CHEMICAL SUBSTANCE

Premanufacture Notice (PMN) Numbers:
P-21-0144-0147, P-21-0148-0150, P-21-0152-0154, P-21-155-0158 and P-21-0160-0163
Submission Dates: 06/07/2021, 06/07/2021, 06/14/2021, 06/08/2021, and 06/14/2021

In accordance with the provisions of Section 5(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2604(e),

Chevron U.S.A. Inc. Received 08/25/2022

is authorized to manufacture, process, distribute in commerce, use, or dispose of these New Chemical Substances in the United States only in accordance with the requirements and conditions described in this Order.

MADISON LE Digitally signed by MADISON LE
DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=MADISON LE, 0.9.2342.19200300.100.1.1=68001003642509
Date: 2022.08.11 17:38:09 -04'00'

Madison H. Le, Director
New Chemicals Division
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

Date

Kristi Mitchum
Name

8/25/2022
Date

HSE Manager, Pascagoula Refinery
Title

Chevron USA Inc
Company

[redacted]

Table of Contents

Jurisdiction and General Provisions

This Order is issued by the United States Environmental Protection Agency ("EPA" or "the Agency") pursuant to Section 5(e) of the Toxic Substances Control Act ("TSCA"), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, 15 U.S.C. § 2604(e), regarding premanufacture notices (PMNs) P-21-0144-0147, P-21-0148-0150, P-21-0152-0154, P-21-155-0158 and P-21-0160-0163 submitted by Chevron U.S.A. Inc. (the Company) for

[redacted] (New Chemical Substances). This Order is issued and entered into under the authority vested in the Administrator of the EPA by Section 5(e)(1) of TSCA, 15 U.S.C. § 2604(e)(1). Based upon EPA's assessment of these New Chemical Substances, the administrative record, and determinations made herein, the Company may manufacture, process, distribute in

commerce, use, or dispose of these New Chemical Substances in the United States only in accordance with the requirements and conditions described in this Order.

The Company must comply with all provisions of this Order, including but not limited to, all appendices to this Order and all documents incorporated by reference. According to Section 15 of TSCA, 15 U.S.C. § 2614, it is unlawful to fail or refuse to comply with any order issued under Section 5(e) of TSCA, 15 U.S.C. § 2604(e). Any person who violates the terms of this Order may be subject to both criminal and civil liabilities pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and to specific enforcement and seizures pursuant to Section 17 of TSCA, 15 U.S.C. § 2616. Falsifying information provided to EPA or concealing information from EPA is a violation of this Order and is subject to penalties pursuant to 18 U.S.C. § 1001.

This Order encompasses the entire agreement between the EPA and the Company with regard to these New Chemical Substances and supersedes any previous agreements between the parties whether oral or written.

The Company waives any rights to challenge the basis or validity of this Order or its terms, including both substantive and procedural requirements, such as whether the order was issued 45 days before the end of the PMN Review Period as provided in TSCA § 5(e)(1)(B), 15 U.S.C. § 2604(e)(1)(B).

The Company has reviewed this Order carefully and agrees that all information that is claimed as confidential is correctly identified within brackets and that the Company has previously submitted that information to EPA under a claim of confidentiality in accordance with the requirements of TSCA and applicable regulations. Any information that is not bracketed is not claimed as confidential and/or any previous confidentiality claim is withdrawn.

Nothing in this Order substitutes for or supersedes any statutory and regulatory requirements under TSCA or any other statute. Section 8(e) of TSCA, 15 U.S.C. § 2607(e) requires the Company to immediately notify EPA if it obtains any information which reasonably supports the conclusion that these New Chemical Substances present a substantial risk of injury to health or the environment. The notice must reference the appropriate PMN identification numbers for

these substances and contain a statement that these New Chemical Substances are subject to this Order.

The terms and conditions not otherwise defined in this Order have the meanings assigned to them in TSCA or in regulations promulgated under TSCA. Appendix 1 Definitions shall apply to this Order and its appendices.

EPA's Determination under Section 5(a)(3)(B)

The following determination constitutes the basis of this Order issued under Section 5(e) of TSCA, 15 U.S.C. § 2604(e):

EPA has determined, pursuant to Sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I) of TSCA, 15 U.S.C. §§ 2604(a)(3)(B)(ii)(I) and (e)(1)(A)(ii)(I), that, in the absence of sufficient information to permit the Agency to make a reasoned evaluation of the health and environmental effects of these New Chemical Substances, the manufacture, processing, distribution in commerce, use, or disposal of these New Chemical Substances may present an unreasonable risk of injury to health or the environment.

The basis for EPA's determination is attached as Appendix 2 to this Order.

Requirements

The Order applies to all commercial manufacturing, processing, distribution in commerce, processing, use and disposal of these New Chemical Substances, P-21-0144-0147, P-21-0148-0150, P-21-0152-0154, P-21-155-0158 and P-21-0160-0163 for [redacted]

[redacted] by the Company, as follows:

I. Terms of Manufacturing

A. Conditions of Manufacturing for the Company

The Company must refrain from manufacturing these New Chemical Substances other than for use as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to: cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 C.F.R. Part 79 or 1090. When used as a fuel these New Chemical Substances are regulated under applicable EPA regulations for fuels, fuel additives, and regulated blendstocks (40 CFR Part 1090), registration of fuels and fuel additives (40 CFR Part 79), and other applicable EPA and OSHA regulations for worker safety, handling, storage, and transport that are intended to mitigate risks from exposure to fuels as listed in Attachment A. (The attachment is not intended to be an exhaustive list of environmental, health, and safety regulations. There may be other federal, state, and/or local regulations that apply to fuel quality, transportation, handling, dispensing and storage.)

B. Limit on Manufacture by Others

1. The Company must not cause, encourage, or suggest the manufacture of these New Chemical Substances within the United States by any other person.
2. Termination of Certain Obligations Through Significant New Use Rule (SNUR) and Final SNUR Required Notification
    a. The prohibition in the above Paragraph 1 expires according to the provisions in Appendix 3.
    b. Once the prohibition in the above Paragraph 1 expires, whenever the Company causes, encourages, or suggests that a person manufacture

these New Chemical Substances, the Company must notify that person once in writing of the existence of the final SNUR, according to the conditions outlined in applicable portions of Appendix 3, and maintain a copy of such notification for 5 years.

II. Terms of Processing and Use

The Company must refrain from processing and using these New Chemical Substances other than as a fuel, fuel additive, fuel blending stock, or refinery feedstock (including, but not limited to: cracking, coking, hydroprocessing, distillation, or deasphalting) subject to 40 C.F.R. Part 79 or 1090. When used as a fuel these New Chemical Substances are regulated under applicable EPA regulations for fuels, fuel additives, and regulated blendstocks (40 CFR Part 1090), registration of fuels and fuel additives (40 CFR Part 79), and other applicable EPA and OSHA regulations for worker safety, handling, storage, and transport that are intended to mitigate risks from exposure to fuels as listed in Attachment A. (The attachment is not intended to be an exhaustive list of environmental, health, and safety regulations. There may be other federal, state, and/or local regulations that apply to fuel quality, transportation, handling, dispensing and storage.)

III. Terms of Distribution

The Company may distribute these New Chemical Substances to another person only under the following conditions:

A. Export Notification

The Company must notify, in writing, any person to whom it distributes these New Chemical Substances that these New Chemical Substances are subject to the notification requirements of TSCA Section 12(b), 5 U.S.C. § 2611(b), and 40 C.F.R. part 707, subpart D.

B. Written Agreement

Prior to distributing these New Chemical Substances to any person the Company must obtain from that person a written agreement that the person will:

1. Comply with the following terms and restrictions of this Order:
    a Protection in the Workplace (Section V and Appendix 4),
    b Terms of Processing and Use (Section II)
2. Not further distribute these New Chemical Substances to any other person except (i) for the purposes of disposal, (ii) according to the terms and conditions for temporary transport and storage, or (iii) unless they have been incorporated into a fuel, fuel additive, fuel blending stock, or used as a refinery feedstock (including, but not limited to: cracking, coking, hydroprocessing, distillation, or deasphalting).

C. Containers

1. Containers containing these New Chemical Substances must be labeled according to the applicable requirements in the Occupational Safety and Health Administration (OSHA)'s Hazard Communication Standard set forth at 29 C.F.R. § 1910.1200.
2. Containers containing these New Chemical Substances are subject to requirements of the Department of Transportation (DOT) and EPA as listed in Attachment A.

D. Recipient Non-Compliance

If the Company obtains knowledge that a recipient of these New Chemical Substances has failed to comply with any of the required Terms of an agreement required by Section III.B, entered into with the recipient ("Recipient"), the Company must immediately cease to supply the substance to that Recipient, unless the Company is able to document all of the following:

1. The Company, within 5 working days of obtaining knowledge of non-compliance, notified the Recipient in writing that the Recipient has failed to comply with any of the Terms of Distribution, or has engaged in a significant new use without submitting a significant new use notice (SNUN) to the EPA.

2. The Company, within 15 working days of notifying the Recipient of the noncompliance, received a written statement of assurance that the Recipient is aware of the Terms of Distribution and will comply with those terms or is aware of the terms of the SNUR and will not engage in a significant new use without submitting a SNUN to EPA.
3. The Company, after obtaining knowledge that the Recipient has failed to comply with any Terms of Distribution requirements or has engaged in a significant new use without submitting a SNUN after receiving a written statement of assurance from the Recipient, immediately ceased to supply these New Chemical Substances to the Recipient and notified EPA.
4. The Company received written notification from EPA that permits its distribution of these New Chemical Substances to the Recipient.

E. Termination of Certain Obligations Through Significant New Use Rule (SNUR) and Final SNUR Required Notification

   a. The requirements of paragraphs B, C, and D of this Terms of Distribution Section and the Temporary Storage and Transport Section will terminate in accordance with the conditions of the Appendix titled Termination of Certain Obligations through Significant New Use Rule (SNUR) and SNUR Notification Requirements.
   b. Whenever the Company distributes the New Chemical Substance to another person, the Company must notify that person in writing of the existence of the final SNUR, according to the conditions outlined in the Appendix titled Termination of Certain Obligations through Significant New Use Rule (SNUR) and SNUR Notification Requirements and maintain a copy of such notification for 5 years.

IV. Temporary Transport and Storage

The Company's transport of these New Chemical Substances for temporary storage must be pursuant to the following limitations:

A. Containers containing these New Chemical Substances are subject to requirements of the Department of Transportation (DOT) and EPA as listed in Attachment A.

B. Containers must be labeled according to the requirements in the OSHA Hazard Communication Standard set forth at 29 C.F.R. § 1910.1200 and should not conflict with the requirements of the Hazardous Materials Transportation Act (49 U.S.C. § 5101 *et seq.*) and its implementing regulations issued by the Department of Transportation.

V. Protection in the Workplace

The Company must establish and implement a program to prevent workplace exposure pursuant to the Protection in the Workplace requirements in Appendix 4 prior to manufacturing, processing, using and/or distributing these New Chemical Substances.

VI. Hazard Communication Program

The Company must establish and implement a hazard communication program consistent with the requirements in 29 C.F.R § 1910.1200 prior to manufacturing, processing, using and/or distributing these New Chemical Substances.

VII. Risk Notification

If EPA finds or determines, that despite the Company's compliance with the terms of this Order, these New Chemical Substances may be contributing to an unreasonable risk or may present an unreasonable risk, or an additional unreasonable risk to human health or the environment:

A. EPA will notify the Company, in writing, of its determination.

B. The Company must cease all manufacturing, processing, distribution, use and disposal of these New Chemical Substances, unless:

1. The Company complies with the specific actions concerning testing, hazard communication and/or limits on manufacturing, processing, distribution, use or disposal of these New Chemical Substances, and
2. The Company incorporates any new risk information and information on methods for protecting against such risk, on the label and into the Safety Data Sheet (SDS), within 90 days and provide the updated SDS to all persons who receive or have received these New Chemical Substances within the last 5 years.

The Company may submit a written report, within 30 days of receipt of EPA's risk notification, refuting EPA's determination and/or the appropriateness of any additional requirements imposed by EPA.

A. The Company's report must be submitted as a support document for these PMNs according to the procedures set out in 40 C.F.R. § 720.40.
B. EPA will respond promptly to the Company's report, in writing.
C. The Company, upon receipt of EPA's response, must comply with any requirements imposed by EPA's response prior to restarting any manufacturing, processing, distribution, use and disposal of these New Chemical Substances.

VIII. Recordkeeping

The Company must maintain records pursuant to the recordkeeping requirements outlined in Appendix 5 for 5 years (or longer if specified in this Order) after their creation date.

IX. Automatic Sunset of Test Market Exemption ("TME"), Low Volume Exemption ("LVE"), and Low Release and Exposure Exemption ("LoREX")

The Company is prohibited from the manufacture, processing, distribution in commerce, use, or disposal of these New Chemical Substances pursuant to a TME under 40 C.F.R. § 720.38, or a LVE or LoREX under 40 C.F.R. § 723.50(c)(1) or (2), respectively, as of the effective date of this Order.

X. Exemptions

The requirements of the Order apply to manufacture, processing, distribution in commerce, use and/or disposal of these New Chemical Substances by the Company at any site under the Company's control. The following exemptions do not apply to these New Chemical substances:

A. solely for export at 40 C.F.R 720.30(e);
B. impurity at 720.30(h)(1); and
C. byproduct at 720.30(h)(2).

The requirements of the Order do not apply to manufacture, processing, distribution in commerce, use, and/or disposal of these New Chemical Substances by the Company at any site under the Company's control for the following:

A. small quantities manufactured, processed, used or distributed in commerce solely for R&D in accordance with Section 5(h)(3) of TSCA, 15 U.S.C. § 2604(h)(3), as defined at 40 C.F.R. § 720.3(cc), and 40 C.F.R. § 720.36;
B. when manufactured solely for non-commercial R&D in accordance with 40 C.F.R. § 720.30(i);
C. when imported as part of an "article" as defined at 40 C.F.R. § 720.3(c) and in compliance with 40 C.F.R. § 720.22(b)(1); or,
D. when incorporated into a fuel, fuel additive, fuel blending stock, or used as a refinery feedstock (including, but not limited to: cracking, coking, hydroprocessing, distillation, or deasphalting).

Regardless of whether the Company meets any exemption expressly permitted by this section, recordkeeping requirements found in Appendix 5 continue to apply.

XI. Requests for Information

This Order does not affect EPA's ability to seek information regarding TSCA regulated chemicals, including these New Chemical Substances. In order to ensure

continuing compliance with the terms of this Order, EPA may issue a request for information to the Company at any time after the effective date of this Order. Failure to respond to such a request shall be a violation of this Order.

XII. Successor Liability Upon Transfer of Order

The Company may transfer its interest in these New Chemical Substances, including its ability to manufacture these New Chemical Substances conferred by this Order, to a Successor in Interest pursuant to the Successor Liability Upon Transfer of Order requirements in Appendix 6.

XIII. Modification and Revocation of the Order

The Company may request at any time, in writing and based upon new information, that EPA modify or revoke provisions of this Order.

EPA may modify or revoke provisions of this Order if EPA determines that specific requirements of this Order are no longer necessary to protect against a previously identified risk, or upon consideration of any information, new or existing, that these New Chemical Substances are not likely to present an unreasonable risk of injury to health or the environment.

EPA may, at any time, upon the receipt or evaluation of any information, new or existing, determine that these New Chemical Substances presents or may present an unreasonable risk of injury to health or the environment, and may issue a rule to regulate the substance or modify this Order to address any risks.

XIV. Office of Management and Budget (OMB) Control Number

Under the Paperwork Reduction Act and its regulations at 5 C.F.R. part 1320, the Company is not required to respond to this collection of information unless this Order displays a currently valid control number from OMB. The collection of information required in this Order has been approved under the currently valid OMB Control Number 2070-0012.

XV. Reservation of Rights

Except as specifically provided in this Order, nothing in this Order shall limit EPA's authority to take, direct, or order any action necessary to protect public health, welfare, or the environment. This Order does not prevent EPA from seeking legal or equitable relief to enforce the terms of this Order, from taking other legal or equitable action as it deems appropriate and necessary, or from requiring the Company in the future to perform additional activities pursuant to TSCA or any other applicable law.

EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

XVI. Effective Date

This Order is effective upon expiration of the applicable review period.

XVII. Potentially Useful Information

"Potentially Useful Information" (Table 1, definition in Appendix 1) would assist in evaluating the potential effects caused by these New Chemical Substances.

Information	Effects
Skin irritation	Human Health
Eye irritation	Human Health
Respiratory depression/irritation	Human Health
Hydrocarbon pneumonia/aspiration hazard	Human Health
Reproductive developmental toxicity	Human Health
Systemic toxicity	Human Health
Genetic toxicity	Human Health
Carcinogenicity	Human Health
Aquatic Toxicity	Ecotoxicity
Consumer inhalation exposures at gas station	Human Health

The Company is not required to submit the "Potentially Useful Information."

NOTE: Any required testing and/or potentially useful information described in this Consent Order was based on EPA's consideration of available screening-level data, if

any, as well as other available information on appropriate testing for the PMN substance. Further, any such testing/information identified by EPA that includes testing on vertebrates reflects the consideration of available toxicity information, computational toxicology and bioinformatics, and high-throughput screening methods and their prediction models. Pursuant to TSCA section 4(h), which pertains to reduction of testing in vertebrate animals, EPA encourages consultation with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the potentially useful information.

Appendix 1: Definitions

"Chemical protective clothing" means items of clothing that provide a barrier to prevent dermal contact with chemical substances of concern (e.g., clothing that covers the entire body, boots, coveralls, gloves, jackets, and pants).

"Commercial" means the use of a chemical substance or a mixture containing the chemical substance in a commercial enterprise providing saleable goods or a service to consumers (e.g., a commercial dry-cleaning establishment or painting contractor).

"Consumer" means a private individual who uses a chemical substance or any product containing the chemical substance in or around a permanent or temporary household or residence, during recreation, or for any personal use or enjoyment.

"Consumer product" means a chemical substance that is directly, or as part of a mixture, sold or made available to consumers for their use in or around a permanent or temporary household or residence, in or around a school, or in recreation.

"Container" means any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains the New Chemical Substance that is the subject of this Order. For purposes of this Order, pipes or piping systems, and engines, fuel tanks, or other operating systems in a vehicle, are not considered to be containers.

"Contract Manufacturer" means a person, outside the Company, who is authorized to manufacture the New Chemical Substance under the conditions specified in an Appendix to the Order.

"Enclosed Process" means a system of equipment directly connected to the production process that is designed, constructed, and operated in a manner which prevents emissions, or the release of any chemical substance into the facility or environment during the production process. Such emissions, including fugitive emissions, could lead to exposures to workers, the

public, or the environment. For an enclosed process, exposure and release could only occur due to loss of integrity or failure of the manufacturing process equipment or control systems.

"Equivocal data" means data which, although developed in apparent conformity with the Good Laboratory Practice Standards and EPA-reviewed protocols, are inconclusive, internally inconsistent, or otherwise insufficient to support a reasoned evaluation of the potential risk of injury to human health or the environment of the New Chemical Substance.

"Immediate use" means a use of a chemical substance that is under the control of, and used only by, a person who transferred it from a labeled container and will only be used by that person within the work shift in which it is transferred from the labeled container.

"Intermediate" means any chemical substance that is consumed, in whole or in part, in chemical reactions used for the intentional manufacture of another chemical substance(s) or mixture(s), or that is intentionally present for the purpose of altering the rates of such chemical reactions.

"Manufacture" means to produce or manufacture in the United States or import into the customs territory of the United States. This definition also applies to related noun and verb forms of "manufacture."

"New Chemical Substance" means the chemical substance described in the premanufacture notice submitted by the Company relevant to this Order

"NIOSH" means the National Institute for Occupational Safety and Health of the U.S. Department of Health and Human Services.

"Open process" is any method of manufacture using equipment (such as a reactor, storage tank, or mixing vessel) causing the new chemical substance to be direct contact with the atmosphere.

"Personal protective equipment" means any protective clothing or device placed on the body to prevent contact with, and exposure to, an identified chemical substance or substances in the

work area. Examples include, but are not limited to, clothing, aprons, hoods, chemical goggles, face splash shields, or equivalent eye protection, and respirators. Barrier creams are not included in this definition.

"Potentially Useful Information" means data, or independent studies that may help EPA better characterize the potential risks associated with the restrictions on manufacturing, processing, use, distribution in commerce, and disposal detailed in this Consent Order. PUI can be submitted to EPA as part of a request to modify or rescind restrictions to this Order and can be submitted using alternative test methods and strategies to generate data to inform risk assessment. EPA encourages dialogue with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h).

"Results in inhalation exposure" means any manufacturing, processing, use or disposal activity/operation that generates a dust, mist, vapor or aerosol to which a worker is reasonably likely to be exposed.

"Scientifically invalid" means departing in any significant way from the EPA-reviewed protocol or the Good Laboratory Practice Standards at 40 C.F.R. part 792 such that the data do not support a reasoned evaluation of the health or environmental effects of the New Chemical Substance.

"SDS" means safety data sheet, the written listing of data for the chemical substance.

"Sealed" means a closed container that is physically and chemically suitable for long-term containment of the New Chemical Substance, and from which there will be no human exposure to, nor environmental release of, the New Chemical Substance during transport and storage.

"Site-limited intermediate" means an intermediate manufactured, processed, and used only within a site and not distributed in commerce other than as an impurity or for disposal. Imported intermediates cannot be "site-limited."

"Successor in Interest" means a person outside the Company who has acquired the Company's full interest in the rights to manufacture the New Chemical Substance, including all ownership

rights and legal liabilities, through a Transfer Document signed by the Company, as transferor, and the Successor in Interest, as transferee. The term excludes persons who acquire less than the full interest of the Company in the New Chemical Substance, such as a licensee who has acquired a limited license to the patent or manufacturing rights associated with the New Chemical Substance. A Successor in Interest must be incorporated, licensed, or doing business in the United States in accordance with 40 C.F.R. § 720.22(a)(3) and 40 C.F.R. § 720.3(z).

"Transfer Document" means the legal instrument(s) used to convey the interests in the New Chemical Substance, including the right to manufacture the New Chemical Substance, from the Company to the Successor in Interest.

"Work area" means a room or defined space in a workplace where the New Chemical Substance is manufactured, processed, or used and where employees are present.

"Workplace" means an establishment at one geographic location containing one or more work areas.

Appendix 2: Basis for EPA's Determination

Chemical Name:

Specific: [redacted]

Generic: Naphtha, heavy catalytic cracked (P-21-0144), Naphtha, heavy alkylate (P-21-0145), Naphtha, full range alkylate, butane-contg. (P-21-0146), Naphtha, hydrotreated heavy (P-21-0147), Naphtha, light catalytic cracked (P-21-148), Naphtha, light alkylate (P-21-0149), Naphtha, hydrotreated light (P-21-0150), Clarified oils, catalytic cracked P-21-0152), Distillates, hydroteated heavy (P-21-0153), Gas Oils hydrotreated vacuum (P-21-0154), Distillates, light catalytic cracked (P-21-0155), Distillates, clay-treated middle (P21-0156), Distillates, hydrotreated middle (P-21-157), Distillates, hydrotreated light P-21-0158), Gases, C4-rich (P-21-0160), Gases, catalytic cracking (P-21-0161), Residues, butane splitter bottoms P-21-0162), and Tail gas, saturate gas plant mixed stream, C4-rich (P-21-0163)

Conditions of Use (intended, known, or reasonably foreseen)[1]:

Intended conditions of use (specific): Manufacture and process for use as and use as a fuel, fuel additive, fuel blending stock, refinery feedstock (including, but not limited to: cracking, coking, hydroprocessing, distillation, or deasphalting) consistent with the manufacturing, processing, use, distribution, and disposal information described in these PMNs.

Known conditions of use: Applying such factors as described in footnote 1, EPA evaluated whether there are known conditions of use and found none.

Reasonably foreseen conditions of use: Applying such factors as described in footnote 1, EPA evaluated whether there are reasonably foreseen conditions of use and found the following: Use as a chemical intermediate, carrier for herbicides and pesticides, paint and ink formulations, indoor heating oil, and solvent blend for cleaning, feedstock for ethylene cracker and gasoline reformer, refinery feed to catalytic reformer and heavy naphtha sales, marine diesel fuels, anti-wear additive for greases, solvent/diluent for coatings, inks, adhesives, strippers and waxes, component of fuel oil, extraction solvent for metal recovery; cutting fluids; odorless mineral spirits, olefin manufacturing feedstock, specialty solvents, alcohol denaturant, and fuel blendstock based on analogues.

EPA has determined that in the absence of sufficient information to permit the Agency to make a reasoned evaluation of the health and environmental effects of the manufacture, processing, distribution in commerce, use, or disposal of these New Chemical Substances, for [redacted]

[redacted]

[redacted]

[1] Under TSCA § 3(4), the term "conditions of use" means "the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of." In general, EPA considers the intended conditions of use of a new chemical substance to be those identified in the section 5(a) notification. Known conditions of use include activities within the United States that result from manufacture that is exempt from PMN submission requirements. Reasonably foreseen conditions of use are future circumstances, distinct from known or intended conditions of use, under which the chemical substance may be manufactured, processed, distributed, used, or disposed of. EPA expects that the identification of "reasonably foreseen" conditions of use will be made on a fact-specific, case-by-case basis. EPA will apply its professional judgment and experience when considering factors such as evidence of current use of the new chemical substance outside the United States, information about known or intended uses of chemical substances that are structurally analogous to the new chemical substance, and conditions of use identified in an initial PMN submission that the submitter omits in a revised PMN. The sources EPA uses to identify reasonably foreseen conditions of use include searches of internal confidential EPA PMN databases (containing use information on analogue chemicals), other U.S. government public sources, the National Library of Medicine's Hazardous Substances Data Bank (HSDB), the Chemical Abstract Service STN Platform, REACH Dossiers, technical encyclopedias (e.g., Kirk-Othmer and Ullmann), and Internet searches.

[redacted] may present an unreasonable risk of injury to health or the environment, without consideration of costs or other non-risk factors, (including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator) under the conditions of use, based on the risk assessment summarized below.

I. Health Effects Summary

Human health hazard is relevant to whether a New Chemical Substance is likely to present an unreasonable risk because the significance of the risk is dependent upon both the hazard (or toxicity) of the chemical substance and the extent of exposure to the substance.

EPA estimated the human health hazard of these chemical substances using a tiered approach for information that incorporated whole fuel-stream and hydrocarbon constituent data used as a fuel blend under the Toxic Substances Control Act (TSCA).

Tier 1: Experimentally-derived information on these New Chemical Substances

Tier 2: Experimentally-derived information on an analogous mixture

Tier 3: Experimentally-derived information on the most prevalent and/or most toxic constituents of these New Chemical Substance mixture

Tier 4a: Predicted (*in silico*) data on most prevalent constituents if no experimentally-derived data are available. Predictive tools (*e.g.,* EPISuite) will be used to fill data gaps for physical-chemical and environmental fate properties and other tools (e.g., OECD QSAR Toolbox) will be used for human health hazard.

Tier 4b: Use of the most toxic individual constituents, based on either experimental data and/or predictions (*i.e.,* ECOSAR) and conservative assumptions in a screening-level assessment when mixture characterization is inadequate for higher tiered assessment (environmental hazard).

There were no experimentally derived hazard data for these New Chemical Substances (Tier 1). EPA estimated the human health hazard of these chemical substances based on its estimated physical/chemical properties, by comparing it to compositionally analogous mixtures (Tier 2) for which there are information on human health hazard, using available human hazard information on representative constituents (Tier 3) of these New Chemical Substances, and other structural information.

Absorption of these New Chemical Substances through the skin, gastrointestinal tract, and lungs was estimated based on physical/chemical properties (form, molecular weight, water solubility, log P partition coefficient, and vapor pressure).

For these New Chemical Substances, EPA identified skin and eye irritation; acute toxicity; systemic toxicity (neurotoxicity, body weight effects, and liver, kidney, blood, spleen, and other organ effects); reproductive and developmental toxicity; oral and inhalation portal of entry effects; genetic toxicity; and carcinogenicity as hazards of these New Chemical Substances based on Tier 2 analogous mixtures and Tier 3 constituents of these New Chemical Substances. EPA identified hydrocarbon pneumonia/ aspiration hazard based

on the chemical composition (petroleum). EPA assumes that respiratory tract irritation is possible when exposed to these New Chemical Substances.

II. Environmental Effects

Environmental fate is the determination of which environmental compartment(s) a chemical moves to, the expected residence time in the environmental compartment(s), and the known or expected removal and degradation processes. Environmental fate is an important factor in determining exposure and risk. U.S. EPA has a Persistent, Bioaccumulative and Toxicity (PBT) policy established in 1999 that uses a simple scoring system for persistence, bioaccumulation and toxicity. Persistence is important because chemicals that are not degraded in the environment will persist and may buildup in the environment, and thus increase potential for exposure. Persistence scores are, going from low to high persistence, identified as P1, P2, or P3. Bioaccumulation is important because substances that bioaccumulate in aquatic and/or terrestrial species pose the potential for elevated exposures to humans and other organisms via the food chain. Bioaccumulation scores are, going from low to high bioaccumulation, identified as B1, B2, or B3. The toxicity score (T) is usually only used when the P and B scores are both a value of 2 or 3; in which case the chronic toxicity (to environmental organisms or human health) is assigned a value as described in the 1999 policy.

The environmental fate assessment utilized a similar tiered approach as the environmental hazard and human health teams to evaluate environmental persistence and bioaccumulation potential. However, a conservative-based weight of evidence approach was also utilized for persistence.

EPA acknowledges that biodegradation is not the only fate endpoint used to evaluate persistence. Likewise, experimentally-derived data were not always available (Tiers 1, 2 and 3) on all of the fate endpoints, and, as a result, Tier 4 data (predicted data for the constituents) were also used to evaluate environmental fate. The added weight of evidence approach was also utilized to ensure that the experimentally-derived constituent biodegradation data (Tier 3) were weighted higher than the experimentally-derived data on a sufficiently similar fuel mixture (Tier 2) if one or more of the individual

constituents (Tier 3) did not show ready biodegradation. In other words, if the experimentally-derived constituent data (Tier 3) were more conservative than the experimentally-derived data on a sufficiently similar fuel mixture (Tier 2), those constituent data were weighted higher than Tier 2 data. Additionally, EPA relied on experimental and predicted bioaccumulation and bioconcentration data on the dominant constituents (Tiers 3 and 4) in the assessment of bioaccumulation potential because Tiers 1 and 2 contained no data to assess bioaccumulation potential.

EPA estimated that these New Chemical Substances could have limited persistence or be very persistent ("P1-P3") based on the aerobic and anaerobic biodegradation half-lives of the constituents (Tiers 3 and 4). EPA estimated that these New Chemical Substances could have limited persistence ("P1") or limited persistence to being very persistent ("P1-P3") and low potential for bioaccumulation ("B1"), low to moderate potential for bioaccumulation ("B1-B2"), or low to high potential for bioaccumulation ("B1-B3") depending on the data for the constituents. P-21-0162 and P-21-0163 received a P1 and B1, and P-21-0146, P-21-0160, and P-21-0161 received a P1-P3 and B1. P-21-0147, P-21-0148 and P-21-0150 received a P1-P3 and B1-B2. The remaining cases received a P1-P3 and B1-B3. Overall, these New Chemical Substances have the potential to bioaccumulate and be persistent in the environment, such that repeated exposures may cause food-chain effects via accumulation in exposed organisms.

F. Environmental Effects Summary

Environmental hazard is relevant to whether a new chemical substance is likely to present unreasonable risk because the significance of the risk is dependent upon both the hazard (or toxicity) of the chemical substance and the extent of exposure to the substance. EPA estimated environmental hazard of these New Chemical Substances (NCS) using a four-tier approach that incorporated whole fuel stream and hydrocarbon constituent data. Nine of the NCSs, P-21-0145, P-21-0146, P-21-0147, P-21-0148, P-21-0149, P-21-0150, P-21-0155, P-21-0156, and P-21-0158, were evaluated using acceptable hazard data from four analogous fuel streams (Tier 2). The other nine used individual constituent hazard information and

combined them using the toxic unit approach, which predicts ecotoxicity endpoints for a mixture by combining the toxic contributions from each constituent. The lowest acute and chronic toxicity endpoints for each NCS were used to determine the environmental hazard and calculate the acute and chronic COCs. The lowest estimated acute toxicity endpoints for each NCS were all between 0.005 and 16.76 ppm, while chronic toxicity endpoints were all between 0.0003 and 1.77 ppm. As per established EPA/OPPT methods, the application of assessment factors of 4 (algae) or 5 (fish and aquatic invertebrates) to the acute toxicity values results in acute COCs between 0.002 ppm (2 ppb) and 3.352 ppm (3352 ppb). As per established EPA/OPPT methods, application of an assessment factor of 10 to chronic toxicity values (*i.e.,* ChV) results in chronic COCs between 0.00003 ppm (0.03 ppb) and 0.177 ppm (177 ppb). Seven NCSs (P-21-0147, P-21-0148, P-21-0150, P-21-0160, P-21-0161, P-21-0162, and P-21-0163) were classified as a moderate environmental hazard. Eleven NCSs (P-21-0144, P-21-0145, P-21-0146, P-21-0149, P-21-0152, P-21-0153, P-21-0154, P-21-0155, P-21-0156, P-21-0157, and P-21-0158) were classified as a high environmental hazard.

III. Exposure and Risk Summary

EPA estimates occupational exposure and environmental release under the intended conditions of use described in these PMNs using ChemSTEER (Chemical Screening Tool for Exposures and Environmental Releases; https://www.epa.gov/tsca-screening-tools/chemsteer-chemical-screening-tool-exposures-and-environmental-releases). EPA uses EFAST (the Exposure and Fate Assessment Screening Tool; https://www.epa.gov/tsca-screening-tools/e-fast-exposure-and-fate-assessment-screening-tool-version-2014) to estimate general population, consumer, and environmental exposures.

Risks to Workers

Human health risks for systemic effects were identified for worker inhalation exposures to P-21-0144, P-21-0146, P-21-0148, P-21-0152, P-21-0154, P-21-0155, P-21-0156, and P-21-

0157. Risks were identified workers for systemic effects via dermal contact to P-21-0152, P-21-0153, P-21-0154, P-21-0155, and P-21-0156. For workers, cancer risk estimates from inhalation exposure ranged between 5.1E-08 and 7.1E-03. Hazards for irritation to the respiratory tract (all cases), skin (all cases except P-21-0152, P-21-0162, and P-21-0163), and eye (all except P-21-0154) via inhalation and dermal contact were also identified for workers. Risks for these endpoints were not quantified due to a lack of dose-response for these hazards.

Risk to General Population

For P-21-0144, 0148, 0149, 0150, 0152, and 0157, risks were identified for the general population (infants) for systemic and/or oral portal-of-entry effects via drinking water. Risks to adults for this exposure route were identified for P-21-0152. For P-21-0145, 0146, 0147, 0155, 0156, and 0158, risks were not identified for the general population for systemic and/or oral portal-of-entry effects via drinking water (adults or infants). For P-21-0153, 0154, 0160, 0161, 0162, and 0163, risks to the general population via drinking water were not evaluated because releases to surface water are not expected.

For P-21-0144, 0148, 0149, 0150, 0152, 0155, 0156, 0157, and 0158, risks were identified for the general population for systemic and/or oral portal-of-entry effects via fish ingestion.

For P-21-0146 and 0147, risks were not identified for the general population for systemic and/or oral portal-of-entry effects via fish ingestion. For P-21-0153, 0154, 0160, 0161, 0162, and 0163, risks to the general population via fish ingestion were not evaluated because releases to surface water are not expected.

For P-21-0144, 0145, 0146, 0147, 0148, 0149, 0150, 0156, 0157, and 0158, risks were not identified for the general population for systemic and/or oral portal-of-entry effects via intake of groundwater impacted by landfill leachate. For P-21-0152, 0153, 0154, 0155, 0160, 0161, 0162, and 0163, risks to the general population via groundwater impacted by landfill leachate were not evaluated because releases to landfill were expected to be negligible (below modeling thresholds) or no releases are expected.

For P-21-0148, 0152, 0154, 0155, 0156, 0157 and 0158, risks were identified for the general population for systemic and/or inhalation portal-of-entry effects via fugitive air inhalation. For P-21-0144, 0145, 0146, 0147, 0149, 0150, 0160, 0161, 0162, and 0163, risks were not identified for the general population for systemic and/or inhalation portal-of-entry effects via fugitive air inhalation. For P 21-0153, there is insufficient information to assess hazard because of a lack of suitable Tier 2 mixtures or representative constituents with inhalation PODs. Therefore, EPA cannot make a risk determination for the general population exposed via fugitive air inhalation.

For P-21-0149, 0152, 0155, 0156, 0157 and 0158, risks were identified for the general population for systemic and/or inhalation portal-of-entry effects via stack air inhalation. For the remaining cases, risks to the general population via stack air inhalation were not evaluated because no releases are expected.

For the general population, cancer risk estimates for drinking water ranged between 1.3 E-10 (P-21-0146) and 1.7E-08 (P-21-0148). The cancer risk estimates for fish ingestion ranged between 7.8E-10 (P-21-0146) and 3.3E-05 (P-21-0158). The cancer risk estimates for consumption of groundwater impacted by landfill ranged between 2.7E-09 (P-21-0144) and 1.8E-07 (P-21-0148). The cancer risk estimates for inhalation of fugitive air ranged between 8.3E-8 (P-21-0144) and 1.2E-04 (P-21-0150). The cancer risk estimate for inhalation of stack air for P-21-0158 was 2.5E-01.

Risk to Consumers

Consumer uses were identified for P-21-0144, 0145, 0146, 0147, 0148, 0149, 0150, 0155, 0156, 0157, and 0158. Consumer uses were not identified for the remaining cases. Non-cancer risks to consumers via dermal contact were identified for P-21-0155 and not identified for any of the remaining cases. Hazards for respiratory, dermal, and eye irritation via dermal contact were identified for consumers. Risks for these endpoints were not quantified due to a lack of dose-response for these hazards.

Environmental Risks

There were no environmental risks to aquatic organisms from the manufacturing of the 18 NCSs as there were no expected releases to water. Environmental risks to aquatic organisms from acute exposures during processing were identified for P-21-0144, 0145, 0146, 0147, 0149, and 0150 because the estimated surface water concentrations exceeded the acute concentrations of concern. Environmental risks to aquatic organisms from acute exposures during use were identified for P-21-0155, 0156, 0157, and 0158 because the estimated surface water concentrations exceeded the acute concentrations of concern. Environmental risks to aquatic organisms from acute exposures during both processing and use were identified for P-21-0148 and 0152 because the estimated surface water concentrations exceeded the acute concentrations of concern. Environmental risks to aquatic organisms from acute exposures were not identified for P-21-0153, 0154, 0160, 0161, 0162, or 0163 as there were no expected releases to water. Environmental risks to aquatic organisms from chronic exposure were not identified.

Appendix 3: Termination of Certain Obligations through Significant New Use Rule (SNUR) and SNUR Notification Requirements

I. Termination of Certain Obligations Through a SNUR

The requirement in Section I.B.1 in this Order (Limit on Manufacture by Others) and Section III.B, C, and D (Terms of Distribution) and Section IV (Temporary Storage and Transport) expire 75 days after publication of a final SNUR corresponding to this Order under Sections 15 U.S.C. §§ 2604(a)(2) and 2604(f)(4) of TSCA, unless the Company is notified by EPA of an action in a Federal Court seeking judicial review of the SNUR. In that case, the Prohibition will remain in effect until EPA notifies the Company that all Federal Court Actions have been resolved and the validity of the SNUR has been affirmed.

II. Final SNUR Required Notification

A. Whenever the Company causes, encourages or suggests the manufacture, processing, use or distribution of the New Chemical Substance by a person, the Company must notify each recipient once, in writing, of the existence of the final SNUR.

B. The required notification must reference the publication of the SNUR in the Federal Register or Code of Federal Regulations; and must specify all significant new uses under the SNUR that would require significant new use notice to EPA.

C. Records documenting the written notification must be maintained for 5 years from the date of their creation.

Appendix 4: Protection in the Workplace

The Company is prohibited from manufacturing, processing or using the New Chemical Substance without establishing the following: Engineering and Administrative Controls

The Company must implement engineering control measures (e.g., enclosure or confinement of the operation(s), general and local ventilation) or administrative control measures (e.g., workplace policies and procedures), where feasible, to prevent exposure to these New Chemical Substances in the work area.

Dermal Personal Protective Equipment

A. The Company must ensure that each employee reasonably likely to be dermally exposed in the work area through direct handling or contact with equipment or surfaces containing or contaminated with these New Chemical Substances are provided with, and is required to wear, personal protective equipment ("PPE") that provides a barrier to prevent dermal exposure to the NCS in the specific work area where it is selected for use.
B. PPE must be selected and used in accordance with the Occupational Safety and Health Administration (OSHA)'s requirements at 29 C.F.R. §§ 1910.132, 1910.133, and 1910.138.
C. Gloves must be replaced at the end of each work shift during which they are exposed to the New Chemical Substance. If permeation testing was used to establish impermeability, gloves may not be used for longer than for which they were tested.
D. Demonstration of Imperviousness

The Company must demonstrate that the PPE selected provides an impervious barrier to prevent dermal exposure during expected duration and conditions of exposure. The Company may make this demonstration by any one or a combination of the following:

1. Permeation Testing

   PPE must be tested alone and in combination with other chemical substances in the work area under the expected conditions of exposure. Permeation testing should be conducted according to the American Society for Testing and Materials (ASTM) F739 "Standard Test Method for Permeation of Liquids and Gases through Protective Clothing Materials under Conditions of Continuous Contact." Results must be reported as the cumulative permeation rate as a function of time and documented in accordance with ASTM F739 using the format specified in ASTM F1194-99 (2010) "Standard Guide for Documenting the Results of Chemical Permeation Testing of Materials Used in Protective Clothing Materials."

2. Manufacturer Specifications

   Manufacturer specifications may be used to establish that the PPE is impervious to these New Chemical Substances, alone and in combination with other chemical substances in the work area under the expected conditions of exposure.

Appendix 5: Recordkeeping

The Company shall maintain the following records for 5 years after the date they are created (or longer if required in this Order) and must produce them for inspection, copying or as otherwise required under Section 11 of TSCA, 15 U.S.C. § 2610:

I. Manufacturing Volume

Records documenting the manufacturing volume (including import) of these New Chemical Substances and the corresponding dates of manufacture (import).

II. Sites of Manufacture

Records documenting the address of all sites of manufacture, import, processing and use.

III. Sales and Transfers

Records documenting the date of all sales or transfers, the quantity of these New Chemical Substances sold or transferred, and the names and addresses (including shipping address, if different) outside the site of manufacture to whom the Company directly sells or transfers these New Chemical Substances.

IV. Protection in the Workplace

A. Protection in the Workplace Requirements

Records documenting establishment and implementation of a program pursuant to the requirements in Protection in the Workplace Section and Appendix. Records used to demonstrate compliance under 29 C.F.R. § 1910.1200(e) may be used to satisfy this record keeping obligation if such records fulfill the requirements in Protection in the Workplace Section and Appendix.

B. Demonstration of Imperviousness

Records documenting the determinations that chemical protective clothing is impervious to these New Chemical Substances.

V. Compliance with this Order

A. Terms of Manufacturing, Processing, Use, Distribution and Disposal

Records documenting compliance with the applicable manufacturing, processing, use, distribution and disposal requirements in this Order.

VI. Exemption Records

Records documenting compliance to the requirements of any exemption specifically included in this Order.

A. Research & Development Exemption

For any amounts or batches of these New Chemical Substances eligible for the Research and Development Exemption, the Company must maintain, for 5 years from the date of their creation, the records required by 40 C.F.R. § 720.78(b).

Appendix 6: Successor Liability Upon Transfer of Order

The Company may transfer its interest in these New Chemical Substances, after the New Chemical Substances have been placed on the TSCA Inventory. The terms of this Order apply to a Successor in Interest, pursuant to the following requirements:

The Notice of Transfer of Toxic Substances Control Act Section 5(e) Order (Notice of Transfer) must be fully executed before the Successor in Interest manufactures these New Chemical Substances.

The Notice of Transfer shall clearly state the effective date of the transfer of interest in these New Chemical Substances and must contain provisions which expressly transfer liability for these New Chemical Substances under the terms of this Order from the Company to the Successor in Interest.

Copies of the Notice of Transfer must be maintained by the Successor in Interest at its principal place of business, and at all sites where these New Chemical Substances are manufactured.

The Notice of Transfer when fully executed shall be incorporated as, and become an enforceable part, of this Order.

The Successor in Interest is liable for compliance with the requirements and obligations of the Order as of the date of the transfer of interest in these New Chemical Substances.

The Notice of Transfer shall be submitted as a support document for these PMNs, using the procedures set out in 40 C.F.R. § 720.40, within 10 days of the effective date of the transfer.

Any new confidentiality claims asserted in the Notice of Transfer must be substantiated at the time of the submission in accordance with TSCA Section 14(c)(3), 15 U.S.C. § 2613(c)(3). Guidance on substantiating CBI claims may be found at https://www.epa.gov/tsca-cbi/substantiating-cbi-claims-under-tsca-time-initial-submission. A Notice of Transfer cannot modify a CBI claim made by the PMN Submitter to assert a claim of confidentiality for information which has been released to the public by EPA because (1) PMN Submitter did not

assert a CBI claim for that information, or (2) notwithstanding such a claim, EPA disclosed the information to the public in accordance with its authority under TSCA or applicable regulations.

NOTICE OF TRANSFER OF TOXIC SUBSTANCES CONTROL ACT

SECTION 5(e) ORDER

Transferor:

Name of New Chemical Substance:

PMN Number:

1. Transfer of Interest in New Chemical Substance Pursuant to Terms of the Order. Effective on _____, the Company did sell or otherwise transfer to _____, ("Successor in Interest") its interests in the above-referenced New Chemical Substance, which was the subject of a premanufacture notice ("PMN") and the manufacture of which is governed by an Order issued by the U.S. Environmental Protection Agency ("EPA") under the authority of Section 5(e) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. §2604(e).

2. Assumption of Liability. The Successor in Interest hereby certifies that, as of the effective date of transfer, it has assumed all obligations conferred under the Order. The Successor in Interest also certifies that it is incorporated, licensed, or doing business in the United States in accordance with 40 C.F.R. § 720.22(a)(3).

3. Confidential Business Information. The Successor in Interest hereby (check one):

___ Reasserts

___ Relinquishes

___ Modifies

all Confidential Business Information ("CBI") claims made by the Company, pursuant to Section 14 of TSCA, 15 U.S.C. § 2613, and 40 C.F.R. part 2, for the New Chemical Substance(s). Where "reasserts" or "relinquishes" is indicated, that designation will be deemed to apply to all such claims. Where "modifies" is indicated, such modification will be explained in detail in an attachment to this Notice of Transfer.

I certify that it is true and accurate that the Successor in Interest has:

(a) Taken reasonable measures to protect the confidentiality of the information;

(b) Determined that the information is not required to be disclosed or otherwise made available to the public under any other Federal law;
(c) A reasonable basis to conclude that the disclosure of the information is likely to cause substantial harm to the competitive position of the Successor in Interest; and
(d) A reasonable basis to believe that the information is not readily discoverable through reverse engineering.

CBI claims for chemical identity must be accompanied by a generic chemical identity, which may be that used for the PMN.

Company (Transferor)	PMN Number
Signature of Authorized Official	Date
Printed name of Authorized Official	
Title of Authorized Official	
Successor in Interest	Date
Signature of Authorized Official	Successor's Technical Contact
Printed Name of Authorized Official	Phone
Title of Authorized Official	Address
Address	City, State, Zip Code
City, State, Zip Code	

Attachment A

Federal Regulations Potentially Applicable to Fuel Stored, Transported, Dispensed and Used Within the United States

This list is not intended to be an exhaustive list of environmental, health and safety regulations. There may be other federal, state, and/or local regulations that apply to fuel quality, transportation, handling, dispensing and storage. EPA expects that companies are complying with these and other applicable regulations.

Agency	Rule Name	Purpose	Regulatory Citation	Applicability
EPA	Regulation of Fuels, Fuel Additives, and Regulated Blendstocks	Standards for fuel parameters that directly or indirectly affect vehicle, engine, and equipment emissions, air quality, and public health. Standards and requirements for fuel additives and regulated blendstocks. Requirements for demonstrating compliance.	40 CFR Part 1090	Refiners and importers *See 40 CFR 1090.1 through 1090.1850.*
EPA	Fuel Registration Requirements	Requires registration of fuels and fuel additives	40 CFR Part 79	Manufacturers of fuel and fuel additives *See 40 CFR 79.1, & 79.4(a) and (b).*

EPA	NSPS for tanks	Requires controls on storage tanks that store higher vapor pressure petroleum products such as gasoline	40 CFR Part 60, Subpart K, Ka, & Kb	Applies to each storage vessel for petroleum liquids in excess of 40,000 gallons. Specific applicability of K or Ka or Kb is determined by date of tank construction, modification, or reconstruction. *See 40 CFR 60.110, 60.110a, and 60.110b.*
EPA	Standard for Bulk Gasoline Terminals	Requires controls for loading racks used to deliver gasoline into tank trucks	40 CFR Part 60, Subpart XX	The affected facility to which the provisions of this subpart apply is the total of all the loading racks at a bulk gasoline terminal which deliver liquid product into gasoline tank trucks, the construction or modification of which commenced after 12-17-80. *See 40 CFR 60.500(a).*
EPA	MACT for large Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)	Establishes requirements for Gasoline Distribution Bulk Terminals, Bulk Plants, and pipeline facilities	40 CFR Part 63, Subpart R	The affected sources to which the provisions of this subpart apply are each bulk gasoline terminal and each pipeline breakout station, except those otherwise excluded or exempted as specified in § 63.420. *See 40 CFR 63.420.*
EPA	Smaller bulk gasoline terminals	Establishes requirements for smaller Gasoline Distribution Bulk Terminals, Bulk Plants, and pipeline facilities	40 CFR Part 63, Subpart BBBBBB	The affected sources to which this subpart applies are each area source bulk gasoline terminal (not subject to 40 CFR Part 63, Subpart R), each pipeline breakout station (not subject to 40 CFR Part 63, Subpart R), pipeline pumping station, and bulk gasoline plant identified in paragraphs (a)(1) through (4) of this section.

				See 40 CFR 63.11081.
EPA	Gasoline Dispensing Facilities	Establishes requirements for gasoline dispensing facilities (GDF) to limit air emissions	40 CFR Part 63, Subpart CCCCCC	Each GDF that is located at an area source. The affected source includes each gasoline cargo tank during the delivery of product to a GDF and also includes each storage tank. *See 40 CFR 63.11110 and 11111(a).*
OSHA	Fuel handling at marine terminals	Protect workers handling fuels at marine terminals	29 CFR § 1917.156	Handling of fuels at a marine terminal
OSHA	Hazard Communication Standard	Informing employees of risks of the chemicals with which they work	29 CFR § 1910.1200	Manufacturers, employers and distributors
OSHA	Permissible Exposure Limits	Limit inhalation occupational exposures	29 CFR § 1910.1000 (Z tables) or 29 CFR 1910.1028 for benzene	Employers subject to OSHA standards *See 29 CFR 1910.5(a).*
OSHA	Flammable Liquids	Provides worker protections for workers handling specific quantities of flammable liquids	29 CFR § 1910.106	Employers subject to OSHA standards *See 29 CFR 1910.5(a).*
OSHA	Process Safety Management Standards	Provides worker protections for workers handling specific quantities of highly hazardous substances	29 CFR § 1910.119	Applicability depends upon whether gasoline is being stored purely for the purpose of delivery to consumers and if not, on what types of tanks are used to store the gasoline. General criteria: Employers who operate a process

				(including storage) which involves a chemical at or above the specified threshold quantities listed in appendix A to this section; and, a process which involves a Category 1 flammable gas (as defined in 1910.1200(c)) or a flammable liquid with a flashpoint below 100 °F (37.8 °C) on site in one location, in a quantity of 10,000 pounds (4535.9 kg) or more. Gasoline stored for consumer use is not covered. *See 29 CFR 1910.5(a) and See 29 CFR 1910.119.*
EPA	Risk Management Program	Provides community protections for workers handling specific quantities of highly hazardous substances – includes gasoline	40 CFR Part 68, Subpart G	An owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process; however, gasoline intended for consumer use is exempt. *See 40 CFR 68.10.*
DOT Hazard Materials Regula-tions	Hazard Materials Transportation	Provides standards for labeling, storing and transporting hazardous materials, including gasoline	49 CFR Parts 100-180	The hazardous materials regulations are applicable to the transportation of hazardous materials in commerce and their offering to: 1. Interstate, intrastate, and foreign carriers by rail car, aircraft, motor vehicle and vessel. 2. The representation that a hazardous material is present in a package, container, rail car, aircraft, motor vehicle or vessel. 3. The manufacture, fabrication, marking, maintenance, reconditioning, repairing or testing of a package or container which is represented, marked, certified or sold for use in

				the transportation of hazardous materials. *See 49 CFR 171.1(a).*
Coast Guard	Marine Occupational Safety and Health Standards	Provides standard for ships and barges carrying benzene or benzene containing liquids in bulk	46 CFR Part 197, Subpart C	This subpart applies to all Coast Guard inspected vessels, including tank ships and barges, that are carrying benzene or benzene containing liquids in bulk as cargo. This subpart does not apply to vessels that are carrying only liquid cargoes containing less than 0.5% benzene by volume. NOTE: Most gasoline contains < 5% benzene. *See 46 CFR 197.501.*

Message

From: Brown, Ashley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8D0606BC1F694C6AA1C3A90C00B7825D-51E37D1D-82]
Sent: 3/1/2025 12:28:40 AM
To: Ryan_Jackson@americanchemistry.com
Subject: RE: Invitation for Administrator Zeldin

Hi Ryan,

Thank you so much for the invite. Unfortunately, this will not work with the Administrator's schedule.

Ashley Brown
U.S. Environmental Protection Agency
Director of Scheduling – Office of Administrator

From: Jackson, Ryan <Ryan_Jackson@americanchemistry.com>
Sent: Thursday, February 20, 2025 5:17 PM
To: Amidon, Eric <Amidon.Eric@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>
Cc: White, Kimberly <kimberly_white@americanchemistry.com>
Subject: Invitation for Administrator Zeldin

Eric and Aaron,

I wanted to extend an invitation from our President and CEO to the administrator to deliver remarks at one of ACC's largest conferences, Global Chem.

It is a conference of government affairs, regulatory affairs, practitioners, communicators and others all working in the chemical manufacturing sector.

The keynote timing in our agenda current is the morning of April 15. **However**, our conference runs April 14 to April 16 at noon. We can accommodate the administrator's scheduling accordingly and host him any of those days. The event is at the Grand Hyatt in downtown Washington DC at 10th and H Street, NW.

With the new administration, our participants would like to hear about his priorities and how the domestic chemical manufacturing sector can contribute. Taking from the 5 pillars speech, new policies to help permit new and innovative chemistries and basing regulations on the best science only ensures that the he US domestic chemical manufacturing sector remains one of the safest, cleanest and innovative in the world continuing to produce the raw materials and resources necessary to support energy dominance, new auto manufacturing in the U.S., among many other domestic manufacturing goals. The chemical manufacturing sector is here to help you achieve the administrator's goals.

I appreciate the consideration. Please contact me with any questions at 202-679-1469.

RJ

American Chemistry Council

Ryan Jackson
Vice President, Federal Affairs
O: (202) 249-6718 C: (202) 679-1469

ryan_jackson@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com

Message

From: Jackson, Ryan [Ryan_Jackson@americanchemistry.com]
Sent: 3/14/2025 9:09:39 PM
To: Corlett, Thomas [Corlett.Thomas@epa.gov]
Subject: great to meet you today
Attachments: Ryan Jackson.vcf

Attached is my vCard. Call anytime.

American Chemistry Council

Ryan Jackson
Vice President, Federal Affairs
O: (202) 249-6718 C: (202) 679-1469
ryan_jackson@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com

Full Name:	Ryan Jackson
Name:	Jackson, Ryan
Company:	American Chemistry Council
Job Title:	Vice President, Federal Affairs
Telephone:	Voice : Cell : (202) 679-1469
Address:	Work : 700 2nd Street, NE, Washington, D.C., 20002, United States of America
Email:	Internet : Ryan_Jackson@americanchemistry.com

Message

From: Jackson, Ryan [Ryan_Jackson@americanchemistry.com]
Sent: 3/21/2025 9:06:27 PM
To: McIntosh, Chad [mcintosh.chad@epa.gov]
CC: White, Kimberly [kimberly_white@americanchemistry.com]; Atkinson, Emily [Atkinson.Emily@epa.gov]
Subject: Invitation
Attachments: 2025 GlobalChem Invitation for C. Mcintosh - Final.pdf

Chad, thanks again.

Attached is an invitation. As a chemical engineer in a room full of other chemical engineers, I think this conference would be especially interested in hearing from you on the administrator's big picture agenda on his 5 pillars.

Happy to answer further questions, but as a save the date, the keynote would be April 15 at 9am. Grand Hyatt Regency down the street from EPA.

Have a great weekend.

RJ

American Chemistry Council

Ryan Jackson
Vice President, Federal Affairs
O: (202) 249-6718 C: (202) 679-1469
ryan_jackson@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com

GlobalChem℠

GLOBAL CHEMICAL REGULATION CONFERENCE

March 21, 2025

Mr. Chad McIntosh
Acting Deputy Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Re: Invitation to be a Featured Speaker during the 2025 GlobalChem Conference being held April 14 – 16, 2025 in Washington, DC.

Dear Acting Deputy Administrator McIntosh:

On behalf of the American Chemistry Council (ACC), I would like to invite you to be a featured speaker during the 2025 GlobalChem Conference and Exhibition, being held at the Grand Hyatt Hotel (1000 H St NW, Washington, DC 20001) from April 14th – 16th, 2025. GlobalChem's theme this year is "Empowering Chemical Innovation through Regulatory Clarity" and the GlobalChem audience would welcome the opportunity to hear from you about EPA's Powering the Great American Comeback Initiative.

For nearly 40 years, the ACC has hosted GlobalChem to serve as the premier policy and regulatory platform where government officials, industry experts, academia and stakeholders gather annually to exchange ideas, insights, and expertise on domestic and international chemicals management. Annually, GlobalChem draws between 250 – 300 attendees. Additionally, sponsors of GlobalChem include environmental consulting firms, scientific consulting firms and law firms.

Participants, panelists and speakers at the conference regularly include EPA leadership and career level staff. For example, past keynote speakers and session panelists from EPA have included: the Assistant Administrator for OCSPP; the Director of the Office of Pollution Prevention and Toxics (OPPT); the Deputy Director of OPPT; the Director of the Existing Chemicals Risk Assessment Division; the Director of the New Chemicals Division; and the Deputy Assistant Administrator for Stationary Sources in the Office of Air and Radiation. EPA staff have also actively participated in GlobalChem's TSCA workshop day by providing insights on the new chemicals submission process and TSCA reporting requirements.

GlobalChem℠

GLOBAL CHEMICAL REGULATION CONFERENCE

In addition to EPA staff, GlobalChem is also attended by staff from other federal agencies like the Department of Defense and the Department of Energy; as well as global regulatory representatives from Canada, Europe, Asia, India and Latin America. Representatives of the press also typically attend.

We have appreciated and valued EPA's engagement in GlobalChem over the years, and I hope you can join us this year. As a speaker, your remarks would be scheduled for approximately 30 minutes on April 15th between 9am - 10am ET, the GlobalChem conference registration will be waived, and our staff will take care of registration for the conference.

If we can provide you or your staff with any additional information, please contact me by email: Kimberly_White@americanchemistry.com; or by phone: 202-249-6707. We look forward to hearing back from you on your availability to join us at the widely attended GlobalChem 2025 conference.

Kind Regards,

Kimberly Wise White, Ph.D
Vice President, Regulatory and Scientific Affairs
American Chemistry Council

Message

From: Jackson, Ryan [Ryan_Jackson@americanchemistry.com]
Sent: 4/4/2025 4:05:55 PM
To: Abboud, Michael [abboud.michael@epa.gov]
Subject: Another good step
Attachments: 25.4.1 Alterra Tour Zeldin Invitation Letter - signed.pdf; 2025_0227 Ltr EPA SNUR withdrawal.pdf; White House Straw EO Recommendations Letter 040325 FINAL.pdf

Mike, so I'm not sending this quite yet. I'll wait for response on a meeting.

But for a future trip based on a key issue, I wanted to provide you the attached and set up a time to explain it more when you have a moment. In the end, we can substantially address plastic pollution. Altera in Akron is a plant which is contributing. There about 9 of these plants in the US. Over 70 in Europe. The past EPA proposed 18 chemical rules (SNURs) which has continued to impede the progress for advanced recycling in the U.S.

Withdrawal of the proposed 18 rules will send important market signals, will be a great way to satisfy the 10:1 regulatory EO, and the administrator can see if first hand in Akron.

We will send this official to the front office shortly, but wanted to connect with you so you have the context. We have also met with the key regulatory team at EPA and working with them on the regulatory side of this as well.

American Chemistry Council

Ryan Jackson
Vice President, Federal Affairs
O: (202) 249-6718 C: (202) 679-1469
ryan_jackson@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com

Appointment

From: Jackson, Ryan [Ryan_Jackson@americanchemistry.com]
Sent: 4/7/2025 5:26:22 PM
To: McIntosh, Chad [mcintosh.chad@epa.gov]

Subject: Accepted: HOLD || EXTERNAL: Virtual Prep Meeting with Ryan Jackson, ACC (Tentative)
Location: WJC-N Room 3412 +; Microsoft Teams Meeting; DCRoomWJCN3406A/DeputyAdministrator

Start: 4/9/2025 7:30:00 PM
End: 4/9/2025 8:00:00 PM
Show Time As: Busy

Recurrence: (none)

Message

From: White, Kimberly [Kimberly_White@americanchemistry.com]
Sent: 4/9/2025 8:20:57 PM
To: McIntosh, Chad [mcintosh.chad@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]
CC: Jackson, Ryan [Ryan_Jackson@americanchemistry.com]
Subject: GlobalChem Follow-up
Attachments: 2025 GlobalChem April 15 Keynote Run of Show.docx

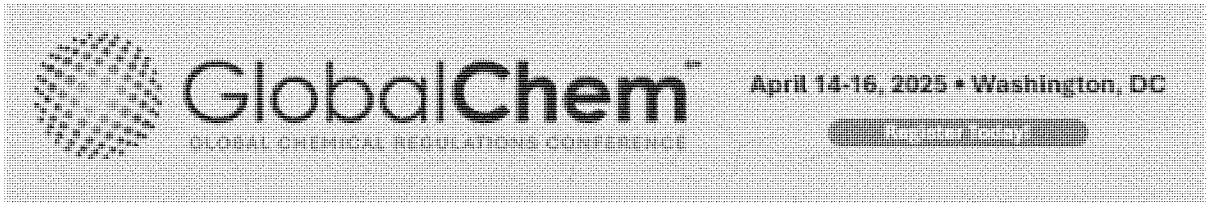
Dear Acting Deputy Administrator McIntosh:

Please find attached the run of show for the April 15th GlobalChem keynote. Feel free to reach out with any questions or comments.

Kind Regards,

American Chemistry Council

Kimberly Wise White, Ph.D.
Vice President, Regulatory and Scientific Affairs
O: (202) 249-6707 C: (202) 341-7602
kimberly_white@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com



2025 GlobalChem Keynote Session Overview

General Conference Information: As a keynote speaker, your registration is free for the entirety of the GlobalChem Conference, and you will be registered by the conference meeting services.

Bios & Headshot: Speakers are asked to submit a brief bio and headshot. The bio will be used to introduce you before the keynote, and the headshot will be posted on the conference website ([HYPERLINK "http://www.globalchem.org"]) and used to promote your keynote presentation.

Keynote Description:

- Presenter: Mr. Chad McIntosh, Acting Deputy Administrator, Environmental Protection Agency
- Topic: EPA's Powering the Great American Comeback Initiative

Keynote Duration: 30 minutes (15 minute presentation and 15 minutes of Questions & Answer)

Session Date/Time: April 15, 2025, 9:00 AM –9:45AM

Conference Location: In-Person, Grand Hyatt Washington, 1000 H Street, NW, Washington, DC 20001

Style/Stage Set- Up: Speaker podium with computer, as well as a confidence screen on the conference room floor below the podium.

Run of Show:

9:00 C. Jahn (CEO and President, American Chemistry Council) kicks off the GlobalChem Conference, provides an address highlighting the benefits of chemistry and the importance of consistent, objective, and transparent global chemical management policy; and introduces the EPA keynote speaker.

9:15 C. McIntosh (Acting Deputy Administrator, U.S. Environmental Protection Agency) provide a keynote address highlighting EPA's Powering the Great American Comeback Initiative.

9:30 C. Jahn facilitates an audience Question & Answer session with C. McIntosh using the electronic Slido tool. By using Slido conference attendees will see a QR code projected on the screen and can enter in questions electronically.

Potential Pre-loaded Slido Questions

- What are the EPA's top priorities for chemical management in 2025 and beyond?

2025 GlobalChem Keynote Session Overview

- In March 2025, EPA launched the biggest deregulatory action in US History, addressing regulations associated with air, water, waste, energy, and facility safety. What is next on the horizon for EPA's deregulatory agenda?

- In C. Jahn's remarks, he noted that according to ACC's Morning Consult Survey, in addition to human health and the impact on the environment, Americans say that EPA should prioritize things like the impact on the economy and jobs, manufacturing, product affordability and accessibility, impact on the supply chain, and Innovation when the Agencies reviews new chemicals. How does EPA take these priorities into consideration?

- In January 2025, the House Subcommittee on Environment held a hearing on the Frank R. Lautenberg Chemical Safety for the 21st Century Act which amended TSCA in 2016. What do you see as Congress's role in supporting chemical management policy by the EPA?

- Permitting reform is a key pillar in EPA's Powering the Great American Comeback Initiative, how is EPA planning to engage state and federal level partners as well as businesses to safeguard human health and the environment while also incentivizing US investment and onshoring ?

- How is the agency considering the use of AI as it seeks to incorporate greater transparency and efficiency into EPA processes?

9:45 C. Jahn ends the Question & Answer session with the keynote speaker, thanks C. McIntosh for the presentation and closes the session.

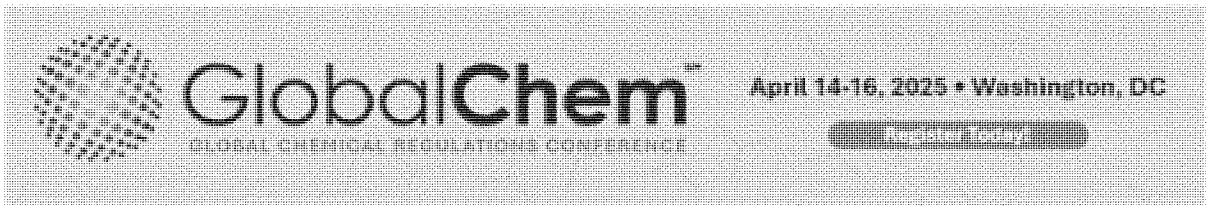
Message

From: White, Kimberly [kimberly_white@americanchemistry.com]
Sent: 4/14/2025 8:01:58 PM
To: Drinkard, Andrea [Drinkard.Andrea@epa.gov]; McIntosh, Chad [mcintosh.chad@epa.gov]
CC: Jackson, Ryan [Ryan_Jackson@americanchemistry.com]
Subject: RE: GlobalChem Follow-up

Okay, thank you Andrea. We will get this updated.

American Chemistry Council

Kimberly Wise White, Ph.D.
Vice President, Regulatory and Scientific Affairs
O: (202) 249-6707 C: (202) 341-7602
kimberly_white@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com



From: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Sent: Monday, April 14, 2025 3:02 PM
To: White, Kimberly <kimberly_white@americanchemistry.com>; McIntosh, Chad <mcintosh.chad@epa.gov>
Cc: Jackson, Ryan <Ryan_Jackson@americanchemistry.com>
Subject: RE: GlobalChem Follow-up

Hi Kimberly,

I was finally able to connect with Chad on the questions for tomorrow's keynote. Here are the ones he'd like to go with. Thanks so much and we're looking forward to tomorrow!

Question 1: What are the EPA's top priorities for chemical management in 2025 and beyond?

Question 2: In March 2025, EPA launched the biggest deregulatory action in US History, addressing regulations associated with air, water, waste, energy, and facility safety. What is next on the horizon for EPA's deregulatory agenda?

Question 3: In C. Jahn's remarks, he noted that according to ACC's Morning Consult Survey, in addition to human health and the impact on the environment, Americans say that EPA should prioritize things like the impact on the economy and jobs, manufacturing, product affordability and accessibility, impact on the supply chain, and Innovation when the Agencies reviews new chemicals. How does EPA take these priorities into consideration?

Question 4: Permitting reform is a key pillar in EPA's Powering the Great American Comeback Initiative, how is EPA planning to engage state and federal level partners as well as businesses to safeguard human health and the environment while also incentivizing US investment and onshoring?

Question 5: How is the agency considering the use of AI as it seeks to incorporate greater transparency and efficiency into EPA processes?

From: White, Kimberly <kimberly_white@americanchemistry.com>
Sent: Friday, April 11, 2025 4:34 PM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>
Cc: Jackson, Ryan <Ryan_Jackson@americanchemistry.com>
Subject: RE: GlobalChem Follow-up

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Thank you.

American Chemistry Council

Kimberly Wise White, Ph.D.
Vice President, Regulatory and Scientific Affairs
O: (202) 249-6707 C: (202) 341-7602
kimberly_white@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com

From: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Sent: Friday, April 11, 2025 4:32 PM
To: White, Kimberly <kimberly_white@americanchemistry.com>; McIntosh, Chad <mcintosh.chad@epa.gov>
Cc: Jackson, Ryan <Ryan_Jackson@americanchemistry.com>
Subject: RE: GlobalChem Follow-up

Hi Kimberly,

Here is some fodder for Chris to pull from. Chad if you have any tweaks, please let us know!

Short Bio

- Chad McIntosh is a South Carolina native who is currently serving as the Acting Deputy Administrator for the Environmental Protection Agency. This is Chad's second tour of duty at the agency where he previously served as the Assistant Administrator for the Office of International and Tribal Affairs in Trumpy's first administration. Chad has spent 20 years taking care of environmental compliance at Ford Motor Company's plants globally and 20 years as a state regulator. He is a chemical engineer and a lawyer. When Chad isn't in the office, you can find him spending time with his family, saltwater fishing, or hunting.

From: White, Kimberly <kimberly_white@americanchemistry.com>
Sent: Friday, April 11, 2025 4:25 PM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>
Cc: Jackson, Ryan <Ryan_Jackson@americanchemistry.com>
Subject: RE: GlobalChem Follow-up

[redacted]

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

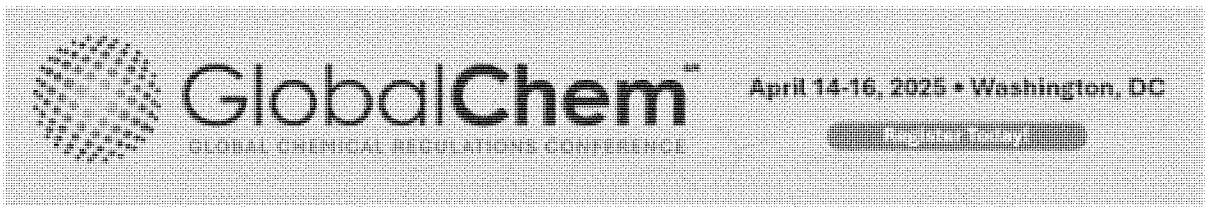
Dear Andrea,

Could you share a bio for Chad that can be used to introduce him during GlobalChem?

American Chemistry Council

Kimberly Wise White, Ph.D.
Vice President, Regulatory and Scientific Affairs
O: (202) 249-6707 C: (202) 341-7602
kimberly_white@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com

RESPONSIBLE CARE



From: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Sent: Wednesday, April 9, 2025 4:26 PM
To: White, Kimberly <kimberly_white@americanchemistry.com>; McIntosh, Chad <mcintosh.chad@epa.gov>
Cc: Jackson, Ryan <Ryan_Jackson@americanchemistry.com>
Subject: RE: GlobalChem Follow-up

Thank you!

From: White, Kimberly <Kimberly_White@americanchemistry.com>
Sent: Wednesday, April 9, 2025 4:21 PM
To: McIntosh, Chad <mcintosh.chad@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Jackson, Ryan <Ryan_Jackson@americanchemistry.com>
Subject: GlobalChem Follow-up

[redacted]

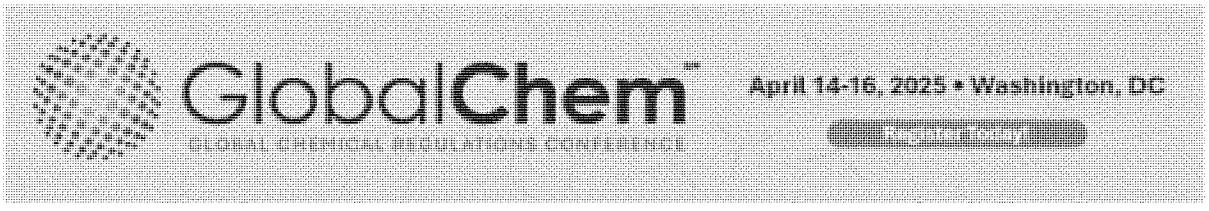
Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Dear Acting Deputy Administrator McIntosh:

Please find attached the run of show for the April 15th GlobalChem keynote. Feel free to reach out with any questions or comments.

Kind Regards,

Kimberly Wise White, Ph.D.
Vice President, Regulatory and Scientific Affairs
O: (202) 249-6707 C: (202) 341-7602
kimberly_white@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com



++++++++++++++++++++++++++++++ This message may contain confidential information and is intended only for the individual named. If you are not the named addressee do not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message which arise as a result of email transmission. American Chemistry Council, 700 – 2nd Street NE, Washington, DC 20002, www.americanchemistry.com

++++++++++++++++++++++++++++++
NOTICE: This email originated from a source outside of the American Chemistry Council. Do not click any links or access attachments unless you are expecting them, and know that the content is safe.

Message

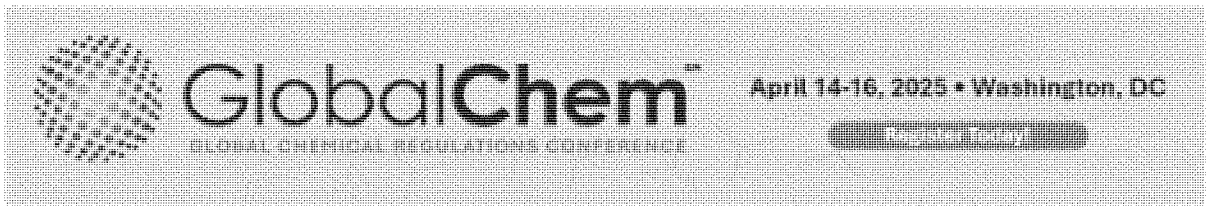
From: Mascarenhas, Brendan [Brendan_Mascarenhas@americanchemistry.com]
Sent: 3/13/2025 12:53:01 PM
To: Tardif, Abigale (Abbie) [Tardif.Abigale@epa.gov]
Subject: RE: ACC News Releases

Much appreciated, Abbie. Thanks again.

Regards,
Brendan

American Chemistry Council

Brendan Mascarenhas
Senior Director, Environment
O: (202) 249-6423 C: (703) 989-5269
brendan_mascarenhas@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com



From: Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Sent: Thursday, March 13, 2025 8:45 AM
To: Mascarenhas, Brendan <Brendan_Mascarenhas@americanchemistry.com>
Subject: RE: ACC News Releases

Brendan-

Thank you for sending this over, I have sent it on to Michael.

Best,
Abbie

Abigale Tardif
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
Office: (202) 564-7017

From: Mascarenhas, Brendan <brendan_mascarenhas@americanchemistry.com>
Sent: Wednesday, March 12, 2025 6:11 PM
To: Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: ACC News Releases

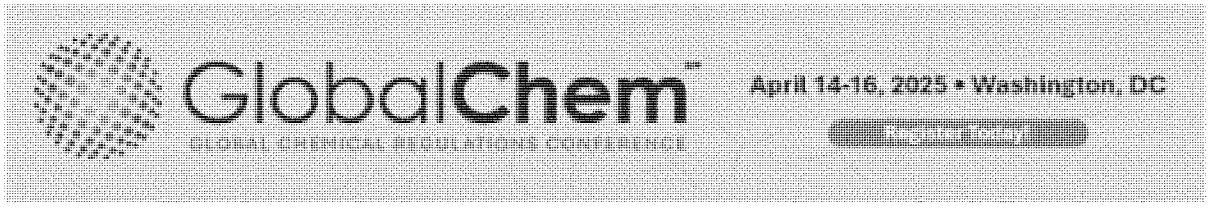
Hi Abbie,

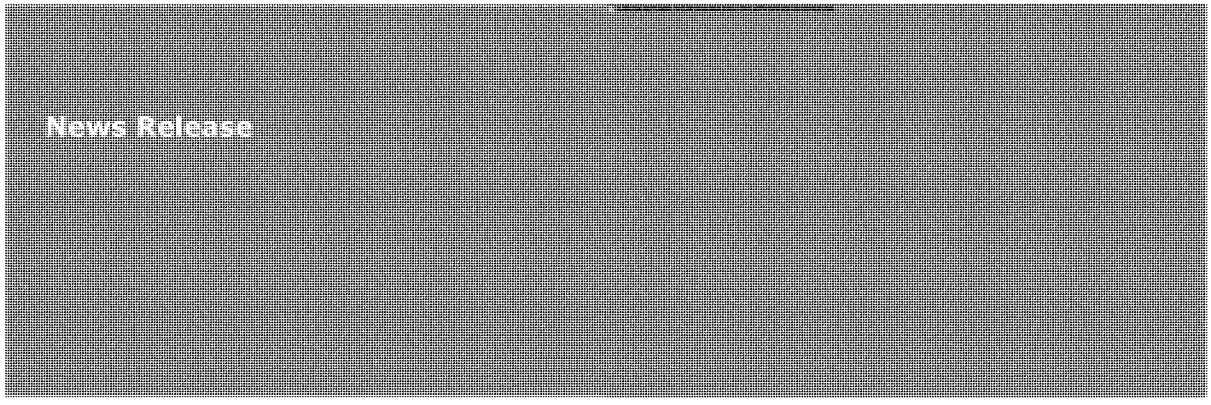
I wanted to share with you below a few of the press statements issued by ACC today. Please feel free to send on (I didn't have Michael's email address), and thanks again.

Regards,
Brendan

American Chemistry Council

Brendan Mascarenhas
Senior Director, Environment
O: (202) 249-6423 C: (703) 989-5269
brendan_mascarenhas@americanchemistry.com
700 2nd Street NE | Washington, DC | 20002
www.americanchemistry.com





ACC Applauds EPA Actions on Chemical Sector NESHAPs

WASHINGTON (March 12, 2025) – The American Chemistry Council (ACC) today issued a statement commending the U.S. Environmental Protection Agency's (EPA) decision to reconsider NESHAPs related to chemical manufacturing and commercial sterilizers:

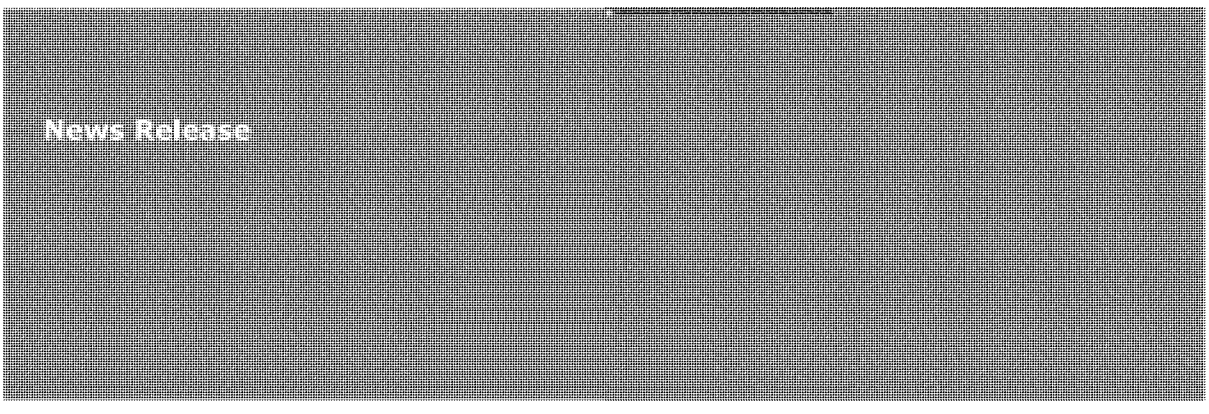
"We applaud EPA for taking this critical step to revisit these regulations.

"The HON rule, as adopted by the previous Administration, disregards relevant scientific evidence, overlooks significant practical concerns, and exceeds the EPA's statutory authority. This rulemaking jeopardizes the production of essential chemistries that are crucial for public health and national security and that are used in countless everyday products and critical industries such as agriculture, healthcare, semiconductor manufacturing, and more. Further, the previous Administration's final rule advanced these requirements on an unworkable timeline, forcing significant capital expenditures for requirements that in some cases are not technically feasible.

"Additionally, the EPA rule concerning ethylene oxide use in commercial sterilizers threatens to severely restrict access to vital medical products nationwide.

"We commend the EPA for their commitment to reevaluating these policies. We look forward to working with EPA throughout this process to develop appropriate, science-based requirements that help protect public health and safety without imposing unnecessary regulatory burdens on domestic manufacturers and undermining American competitiveness."

READ MORE →



ACC Welcomes Trump Administration Review of PM 2.5 Rule

WASHINGTON (March 12, 2025) – The American Chemistry Council (ACC) supports U.S. Environmental Protection Agency (EPA) Administrator Lee Zeldin's announcement today that the Agency has taken steps to begin reconsideration of the Particulate Matter National Ambient Air Quality Standards (PM 2.5 NAAQS) rule to help power the great American comeback.

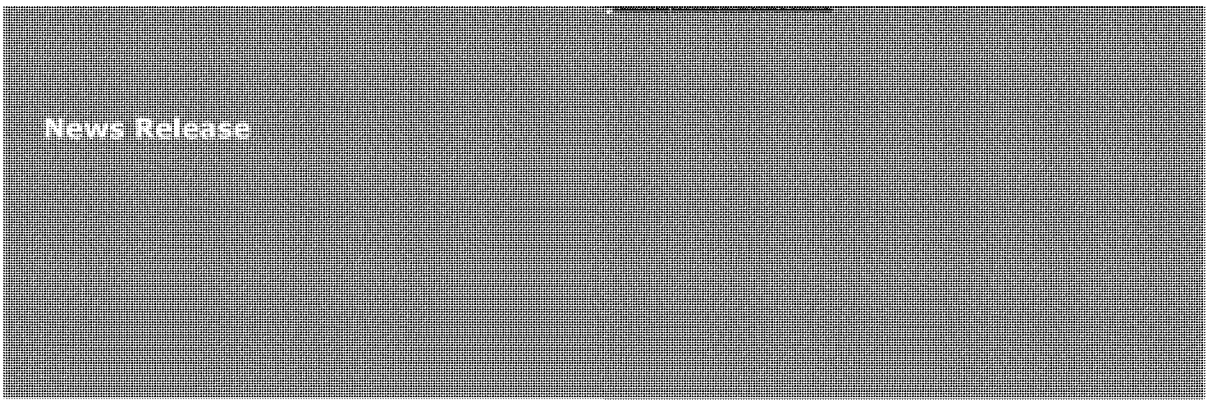
The following statement may be attributed to Dr. Kimberly Wise White, Ph.D., ACC's Vice President for Regulatory and Scientific Affairs:

"ACC appreciates EPA's plans to revisit the previous Administration's PM2.5 NAAQS rule and issue guidance to increase flexibility and provide clear direction on permitting obligations. EPA's decision is an important step towards growing domestic chemical production in a streamlined, efficient, and protective way. Today's announcement helps promote the broader regulatory certainty necessary to foster continued industry growth, innovation, and expansion and strengthen our manufacturing economy.

"ACC members are committed to the health and safety of the communities where we operate and the products we manufacture. We are a safer and cleaner industry than ever before. Responsible Care®, our mandatory world-class safety and environmental performance program, is what sets us apart. Responsible Care practitioners have a 4x better worker safety rate than the U.S. manufacturing sector as a whole and a 3x better worker safety rate than the business of chemistry overall.

"ACC and its industry partners will continue to work with this Administration, Congress and EPA to support America's great comeback. America's success relies on American chemistry."

READ MORE →



Chemical Manufacturers Support Fixing Missteps and Making America a Manufacturing Superpower

WASHINGTON (March 12, 2025) – The American Chemistry Council (ACC) supports EPA Administrator Zeldin on taking steps to power the great American comeback. The following statement can be attributed to ACC President and CEO, Chris Jahn:

"The chemical and plastics manufacturing industry appreciates Administrator Zeldin for recognizing that a smarter, more predictable regulatory process is imperative for not only producing more at home but making America stronger and more affordable for its citizens. We welcome the new regulatory direction and look forward to providing input before any final actions are taken in the future."

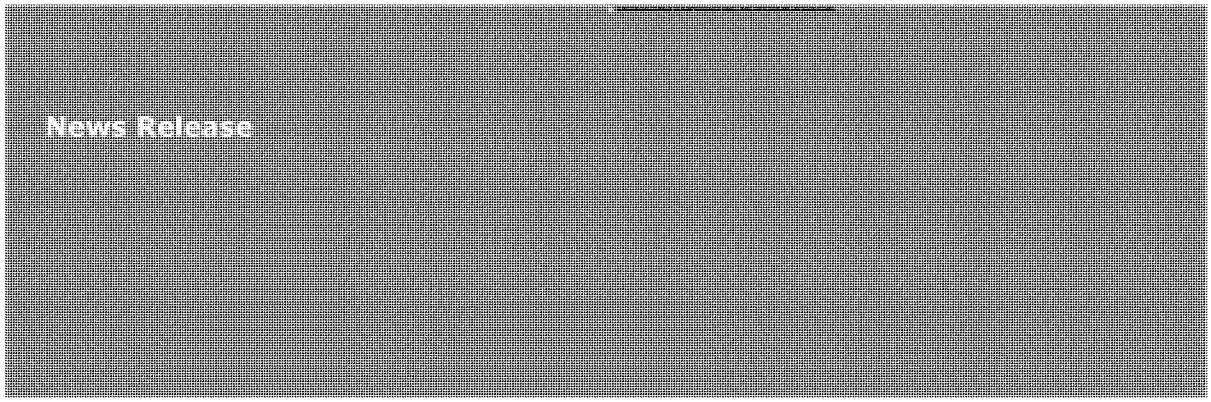
"Yesterday, we were at a crossroads because of missteps under the previous Administration that discouraged job creation and investment, increased operating and compliance costs, and jeopardized national security. Today, Administrator Zeldin and the EPA have taken necessary steps to grow U.S. chemical production here at home that will make America the world's manufacturing superpower.

"America's chemical manufacturers and chemistry products support more than 4 million jobs and 25% of U.S. GDP. National defense, energy independence, innovation and a resilient supply chain all depend on chemistry. U.S. chemical producers are the driving force for everyday products that businesses and families rely on and help manufacturers compete and win globally.

"ACC members are committed to the health and safety of the communities where we operate and the products we manufacture. We are safer and cleaner than ever before. Responsible Care®, our mandatory world-class safety and environmental performance program, is what sets us apart. Responsible Care practitioners have a 4x better worker safety rate than the U.S. manufacturing sector as a whole and a 3x better worker safety rate than the business of chemistry overall.

"Let's work together to keep America strong. American success relies on American chemistry."

READ MORE →



ACC Welcomes Trump Administration Review of Social Cost of Carbon

WASHINGTON (March 12, 2025) – The American Chemistry Council (ACC) issued the following statement in response to the Environmental Protection Agency (EPA)'s announcement that the Agency will undertake a series of historic deregulatory actions including an "overhaul [to] the Biden-Harris Administration's 'Social Cost of Carbon.'"

"We welcome EPA's decision to revisit the Biden-Harris administration's 'social cost of carbon.' This metric affects a broad range of policies and regulations, and directives for updating the values should adhere to rigorous methodology including ample opportunities for public and stakeholder input. Unfortunately, the previous administration failed to institute and implement a clear process that properly engaged stakeholders, resulting in a flawed metric. We look forward to reviewing and providing input on EPA's proposals on this issue as they emerge."

READ MORE →

News Release

ACC Welcomes Regulatory Action to Get Chemical Safety Program Back on Track

WASHINGTON (Mar. 12, 2025) – Earlier this year the American Chemistry Council along with other trade associations sent a joint letter to Administrator Zeldin of the U.S. Environmental Protection Agency (EPA) urging the agency to address serious problems with the "2024 Safer Communities by Chemical Accident Prevention: Risk Management Program Rule." The following statement regarding the Agency's decision to start a new rulemaking can be attributed to American Chemistry Council's Vice President of Regulatory & Scientific Affairs, Dr. Kimberly Wise White:

"ACC and its members put safety at the core of our operations through the Responsible Care® the chemical industry's world-class environmental, health, safety and security performance initiative. As members of the communities where we operate, we have an obligation to advance safety and prevent incidents.

"We are also committed to continuing our work with EPA to protect workers and communities through important programs such as RMP, which has led to an 80% reduction in chemical related incidents over the past thirty years.

"This action by the Agency is absolutely necessary to address the serious flaws and shortcomings of the rule that was issued last year. We look forward to reviewing and commenting on a new proposed rule and supporting a science-driven, performance-based approach that continues to enhance chemical safety and security."

READ MORE →