**To:** Dravis, Samantha[dravis.samantha@epa.gov]
**Cc:** Bolen, Brittany[bolen.brittany@epa.gov]
**From:** Dick Doyle
**Sent:** Fri 5/19/2017 4:07:04 PM
**Subject:** Vinyl Institute - PVC MACT and EPA Website
Regulatory Improvement Re Vinyl Chloride EPA Website 05-16-2017.pdf

Dear Samantha,

On behalf of the members of the Vinyl Institute, I want to thank you for your time on Tuesday, May 16th for meeting with our Executive members to discuss the importance of completing the PVC MACT reconsideration. As discussed, the VI respectfully requests that U.S. Environmental Protection Agency (EPA) Administrator Pruitt direct the EPA Office of Air Quality Planning and Standards to prioritize the reconsideration rulemaking for the PVC MACT (National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production, 40 C.F.R. Part 63 Subparts DDDDDD and HHHHHHH).

The PVC MACT was finalized in April 2012. In September 2012, EPA granted industry and environmentalist petitions for reconsideration of all emission limits in the final rule, agreeing that the public was not afforded a reasonable opportunity to comment. EPA deferred action and industry was forced to proceed with a legal challenge to the PVC MACT when it became apparent that a reconsidered PVC MACT rule would not even be proposed prior to its April 2015 compliance date. The D.C. Circuit held in part that the Court could not review the merits of the challenged limits until EPA completed the reconsideration of the PVC MACT. Thus, a rule which the Agency has admitted must be corrected remains in place until EPA acts.

It is a manifest injustice that the PVC industry has been forced to adhere to a rule that even EPA admits is flawed. PVC manufacturers have spent tens of millions of dollars to comply with limits that will be substantively changed once EPA completes its reconsideration of the rule. These are in addition to the tens of millions of dollars that our members have already spent on gathering test data requested by EPA, both before and after the rule was finalized. EPA has had the last group of data in hand for over 15 months. The prospect of citizen suits against facilities under this flawed rule also raises significant concerns. Finally, the emission limits in the final rule effectively preclude the construction of completely new PVC facilities at a time when low-cost and abundant natural gas makes increased domestic manufacture of PVC a fantastic opportunity for a significant American manufacturing sector, a sector that already exports one third of its products to foreign markets. I might add that given our industry's commitment to the environment, and our outstanding environmental performance, U.S. PVC resin manufacturers are by far the best performers on a global basis.

The VI appreciates the effort of EPA staff over the course of this rulemaking. VI members have had productive meetings with OAQPS on several occasions since the PVC MACT was finalized. A continual issue raised by OAQPS staff, however, has been the lack of resources and conflicting management priorities. We ask that Administrator Pruitt provide OAQPS with the direction and resources necessary to swiftly address industry's petitions for reconsideration. Please advise of any support that may be needed to assure the completion of this rule.

We also asked for assistance to get the EPA website information updated on sources of vinyl chloride. The link to that website is:

https://safewater.zendesk.com/hc/en-us/articles/212075267-5-How-does-vinyl-chloride-get-into-my-drinking-warter-

Our suggested changes that would provide more contemporary information to the public are included in the attachment. We appreciate any opportunity to modify this information with current facts.

Again, thank you for taking the time to meet with our industry. Please feel free to contact me for further information or to answer any questions.

Sincerely,

Dick Doyle

**Dick Doyle** | President and CEO
The Vinyl Institute
1747 Pennsylvania Ave NW Suite 825 | Washington, DC | 20006
O: (202) 765-2280 | M: (301) 908-3297

# EPA Vinyl Chloride Website Update

**Regulatory Office:** EPA Office of Water

**Industry Ask:** Implement proposed website modifications depicted in Attachment A.2 indicating that vinyl chloride releases have been mitigated and vinyl pipe has been proven safe for providing clean drinking water. This ask does not require any changes to any regulation.

**Industry Concern:** EPA's website on drinking water contaminants includes a section on vinyl chloride that is outdated and should be updated to reflect the current state of the industry.

**Background:** EPA has information on its website for all contaminants it regulates in drinking water. EPA's website claims that the source of vinyl chloride in drinking water is from plastics factories and PVC pipe installed prior to 1977. The industry has significantly reduced vinyl chloride emissions to surface waters to insignificant quantities. The industry also minimizes any residual vinyl chloride in its resin products and this is confirmed by an independent test laboratory, NSF International that EPA has charged with monitoring vinyl chloride in vinyl pipe. More current information would assure the general public that efforts by the vinyl chloride and PVC industry have reduced emissions and potential exposure so much that it is considered to be an insignificant contaminant in drinking water.

**Industry Impacts:**

1. Poor Public Confidence in the Vinyl Industry – Misleading and out-of-date information about vinyl products and sources of vinyl chloride contaminants in drinking water unnecessarily propagates continued concern by the general public and activists that vinyl production facilities have uncontrolled emissions and that vinyl products are not safe. These concerns have been disproven as the industry has made significant changes over the past three decades.
2. Competitive Disadvantage – EPA's information has been used by competitive materials against PVC pipe producers as reasons why a community should not use vinyl pipe. EPA agrees that this is a misuse of the information.
3. Economic Burden to Communities – Vinyl pipe offers an economical infrastructure solution that can last 100 years and save significant electricity costs because of its retention of smooth interior surfaces compared to metal pipe. Vinyl pipe has lower capital costs as well, with 12 inch and smaller diameter being as much as 50% less costly. Use of suboptimal pipe susceptible to corrosion represents a lost business opportunity for vinyl resin and pipe producers and an economic burden to cash strapped communities that need relief.

March 9, 2017

# EPA Vinyl Chloride Website Update

**ATTACHEMENT A.2**

Proposed revision of EPA Website on sources of vinyl chloride shown in strike out (deletion) and underline (insertion) format.

US EPA Website references for Vinyl Chloride:

https://safewater.zendesk.com/hc/en-us/articles/212075267-5-How-does-vinyl-chloride-get-into-my-drinking-water-

**5. ~~How does vinyl chloride get into my drinking water?~~ Is the Safety of My Drinking Water Impacted by Vinyl Chloride?**

~~The major sources of vinyl chloride in drinking water are discharge from plastics factories. Drinking water piping made of polyvinyl chloride (PVC) prior to 1977 may result in vinyl chloride leaching. [1]~~

When vinyl chloride was initially discovered as a contaminant in drinking water, EPA took action to minimize sources including leaching from early versions of polyvinyl chloride (PVC) piping and discharges from factories using this chemical. Starting in the 1970s and continuing to the present, EPA has limited air and water emissions. As a result of these regulatory initiatives, vinyl chloride releases from PVC facilities have been reduced by 83% of the 1987 level even after accounting for expanded industry production.

Since 1977 NSF/ANSI Standard 14 and NSF/ANSI Standard 61 have controlled the levels of residual vinyl chloride allowed in PVC pipe that is sold and installed in the USA. Most US States require all public water supply products in contact with drinking water to be certified to NSF/ANSI 61: Drinking Water System Components- Health Effects. This standard sets limits for the amount of residual vinyl chloride monomer contained in PVC pipe and fittings, and also requires a leachate test to ensure any vinyl chloride leaching from the product is below EPA safe drinking water standards. *Permeation and Leaching*, US EPA Office of Water, https://www.epa.gov/sites/production/files/2015-09/documents/permeationandleaching.pdf

Potential exposure to the general public has been effectively minimized to levels for drinking water scientifically established by US EPA and regularly reviewed for compliance.

A federal law called the Emergency Planning and Community Right to Know Act (EPCRA) requires facilities in certain industries, which manufacture, process, or use significant amounts of certain chemicals, to report annually on their releases of these chemicals. For more information on the uses and releases of chemicals in your state, contact the Community Right-to-Know Hotline: (800) 424-9346.

- EPA's Toxics Release Inventory (TRI) Web site provides information about the types and amounts of toxic chemicals that are released each year to the air, water, and land.

March 9, 2017