

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

CHUCK CHAITOVITZ  
VICE PRESIDENT, ENVIRONMENTAL  
AFFAIRS AND SUSTAINABILITY

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January 15, 2020

The Honorable Alexandra Dapolito Dunn  
Assistant Administrator  
Office of Chemical Safety and Pollution Prevention  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
7101 M  
Washington, DC 20460

Dear Assistant Administrator Dunn:

**RE: Comments on Draft Compliance Guide for Imported Articles Containing Surfacing Coatings Subject to Long-Chain PFAS Significant New Use Rule under TSCA (EPA-HQ-OPPT-2013-0225))**

The U.S. Chamber of Commerce appreciates the opportunity to provide our comments on the draft compliance guide on imported articles under the significant new use rule (SNUR) for PFOS and PFOA, and we are supportive of the overall approach. Our members have a strong interest in ensuring the safety of employees and the communities in which they operate. Further, our members represent both manufacturers and importers.

As EPA is aware, per- and polyfluoroalkyl substances (PFAS) are a broad class of chemicals with many applications in the economy. These chemicals are receiving increased industry and public attention amid federal efforts to communicate and manage emerging issues and concerns. The Chamber is committed to working with regulators and interested stakeholders to ensure TSCA reporting compliance protects human health and the environment through the risk-based approach enshrined in long-standing U.S. environmental law and policy.

**Our Key Priorities**

As you consider the best approach to issuing the compliance guide, we offer several recommendations for your consideration:

- The business community is appreciative that EPA clarified the definition of surface coatings as requested during the SNUR rule making comments and identified an appropriate exemption for recycled products. We suggest adding (1) a defined *de minimis* level (e.g., of 0.1% for PFOA) to opt out of reporting; and (2) a clarification that the rule is meant only to apply to the intentional use of long-chain PFAS.

- The compliance guide reflects the Office of Pollution Prevention and Toxics commitment to risk evaluation and how the agency’s proposed scientific transparency rulemaking may be integrated into import reporting requirements of this process. We are also supportive of your approach that links presence in the environment and science-based risks to human health to whether reporting is required for a particular chemical.
- We recommend including ongoing engagement with the regulated industry to continue making adjustments as EPA learns more regarding how the reporting proceeds.

Thank you for the opportunity to comment on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Chaitovitz". The signature is written in a cursive style with a large, sweeping flourish at the end.

Chuck Chaitovitz  
Vice President, Environmental Affairs and Sustainability  
U.S. Chamber of Commerce