

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

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March 4, 2021

Dr. Michal Ilana Freedhoff
Acting Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Dr. Freedhoff:

We write today to seek an extension of the compliance timeframe for articles and products subject to the U.S. Environmental Protection Agency's Final Rule for Phenol, Isopropylated Phosphate, also known as PIP (3:1). This rule, published on January 6, 2021, prohibits the processing and distribution of articles and products of PIP 3:1 after March 8, 2021, pursuant to section 6 (h) of the Toxic Substances Control Act (TSCA). This rule and the 60-day timeline for compliance will have a drastic impact on all types of businesses and their supply chains and we are looking for relief as businesses work to accommodate the Final Rule.

As we have iterated in previous communications with the EPA, we are supportive of a TSCA Risk Management framework that encourages transparency and dialogue between rule makers and stakeholders. We believe that sixty days is not an adequate timeframe to become compliant with the Final Rule and that businesses need a longer phase out period to be able to adequately comply without disruption to the global supply chain. As a plasticizer, flame retardant and anti-wear additive, PIP (3:1) is prevalent in many industries given its presence in electronic and electrical components utilized in a variety of applications.

In fact, last year we joined several other trade associations in urging the agency to provide stakeholders better clarity and guidance on its approach to risk management so as to minimize such potential disruptions: "the continuous implementation of immediate bans on distribution for already finished goods as EPA manages 20 or more risk management outcomes in a given period of time over the coming years may cause numerous, unintended market disruptions, and require complex supply chain interventions that either do not currently exist or are unable to effectively,

reliably function within the proposed timeframes EPA has put forward in certain proposals (e.g., 60 days).”¹

We recognize the important role businesses must play in the safe and effective implementation of TSCA Risk Management rules, however we believe that business needs to be given the time and tools to seek alternatives to TSCA identified unreasonable risks. We are supportive of the TSCA risk management work and stand ready to partner with the agency to address chemical risks while also maximizing stakeholders’ ability to effectively protect the environment and address public health concerns. We are hopeful this rule does not set a precedent for 60-day compliance timeframes on future chemicals, which the business community could not withstand. These actions will take a toll on our economy and inhibit the commerce of essential items.

Thank you for your attention to this request. We stand ready to work with you on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Marty Durbin". The signature is fluid and cursive, with a large initial "M" and a distinct "D".

Marty Durbin

cc: Dan Utech, EPA Chief of Staff

¹ June 3, 2020 petition from the U.S. Chamber of Commerce, American Coatings Association, National Association of Homebuilders, National Association of Manufacturers, and the Toy Association. Available at <https://www.globalenergyinstitute.org/sites/default/files/2020-09/TSCA%20Section%2021%20Risk%20Management%20Petition.pdf>