



September 23, 2024

Submitted through: <https://www.regulations.gov>.

Ms. Bethany Masten  
Existing Chemicals Risk Management Division  
Office of Pollution Prevention and Toxics  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460-0001

**RE: 1-Bromopropane (1-BP); Regulation Under the Toxic Substances Control Act (TSCA); Proposed Rule, EPA-HQ-OPPT-2020-0471**

Dear Ms. Masten:

The Alliance for Automotive Innovation (Auto Innovators)<sup>1</sup> appreciates the opportunity to provide comments on EPA's proposed risk management rule: "1-Bromopropane (1-BP); Regulation Under the Toxic Substances Control Act (TSCA)."<sup>2</sup>

EPA is proposing in this rule to:

- Prohibit the manufacture (including import), processing, and distribution in commerce of 1-BP for all consumer uses (excluding insulation for building and construction materials).
- Prohibit the manufacture (including import), processing and distribution in commerce of 1-BP for four industrial and commercial uses and applications, including uses in adhesives and sealants, in dry cleaning solvents, spot cleaners and stain removers, in coin and scissor cleaner (liquid, spray, or aerosol cleaners), and in other uses in arts, crafts, hobby materials (adhesive accelerant); automotive care products (engine degreaser, brake cleaner and refrigerant flush and anti-adhesive agents (mold cleaning and release product); functional fluids (closed/open systems)—refrigerant/cutting oils.
- Require strict workplace controls, including a 1-BP Workplace Chemical Protection Program (WCPP), which would include requirements to meet an inhalation exposure concentration limit, for seven occupational conditions of use of 1-BP.
- Require the use of prescriptive controls for six occupational conditions of use of 1-BP.
- Require purchasers to provide sellers with a self-certification, which would document the purchaser's commitment to comply with the 1-BP WCPP, for six occupational conditions of use of 1-BP.
- Establish recordkeeping and downstream notification requirements.

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<sup>1</sup> Auto Innovators represents the full auto industry, including the manufacturers producing most vehicles sold in the U.S., equipment suppliers, battery producers, semiconductor makers, technology companies, and autonomous vehicle developers. Our mission is to work with policymakers to realize a cleaner, safer, and smarter transportation future and to maintain U.S. competitiveness in cutting-edge automotive technology. Representing approximately 5 percent of the country's GDP, responsible for supporting nearly 10 million jobs, and driving \$1 trillion in annual economic activity, the automotive industry is the nation's largest manufacturing sector. [www.autosinnovate.org](http://www.autosinnovate.org).

<sup>2</sup> 89 Fed. Reg. 65,066 (Aug. 8, 2024).

A review of the data currently available to our members appears to indicate that there is little if any use of 1-BP at this time. We would, however, like to address a specific question EPA posed in this proposed rule as EPA's understanding of this issue is critical not only for this rulemaking but for all TSCA risk evaluations and management rules. Specifically:

EPA also requests comment on whether, rather than just excluding the consumer and commercial uses of 1-BP in insulation from the prohibitions and other requirements in this risk management rulemaking, EPA should more broadly exclude the use of articles under TSCA section 6(c)(2)(E), which would also exclude the use of 1-BP in articles that were not specifically evaluated in the 2020 Risk Evaluation for 1-BP, and if so, whether and how to define "article" for the purposes of this rulemaking.<sup>3</sup>

In addition to articles, Auto Innovators would also like to address automotive replacement parts, a related and crucial issue.

### Articles

Section 6(c) of TSCA requires that EPA shall apply prohibitions or other restrictions to an article or category of articles containing the chemical substance or mixture *only to the extent necessary to address the identified risks from exposure to the chemical substance or mixture from the article*:

In selecting among prohibitions and other restrictions, the Administrator shall apply such prohibitions or other restrictions to an article or category of articles containing the chemical substance or mixture **only to the extent necessary to address the identified risks from exposure to the chemical substance or mixture from the article** or the category of articles so that the substance or mixture does not present an unreasonable risk of injury to health or the environment identified in the risk evaluation conducted in accordance with subsection (b)(4)(A).<sup>4</sup>

This provision limits EPA's authority to regulate articles in commerce. EPA's authority is clearly limited to applying regulatory restrictions on articles only if there is an unreasonable risk finding pursuant to a risk evaluation, and even then "only to the extent necessary" to address those identified risks. Therefore, without a risk evaluation, the agency's authority to regulate articles in this rulemaking and in all others under TSCA section 6(a) is substantially limited. Auto Innovators agrees that EPA should broadly exclude the use of articles under TSCA section 6(c)(2)(E) in this and other rulemakings. Auto Innovators urges EPA to apply the TSCA section 6(c) provisions at the risk evaluation stage and only include articles in subsequent risk management provisions if warranted.

Auto Innovators is concerned that in past proposed and final rules where articles have been included as a condition of use, EPA has not identified what exposures are occurring as a direct result of the "exposure to the chemical substance or mixture from the article." The associated use documents appear to make no distinction between the exposures, risks, and impacts associated with direct chemical exposure versus any potential limited or negligible exposure to a chemical bound into an article.

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<sup>3</sup> *Id.* at 65,078.

<sup>4</sup> 15 U.S.C. § 2605(c)(2)(E) (emphasis added).

## Replacement Parts

TSCA Section 6(c)(2)(D) directs EPA to *exempt replacement parts* for complex durable goods and complex consumer goods that are designed prior to the date of publication in the Federal Register of a rule under TSCA Section 6(a).

The Administrator shall exempt replacement parts for complex durable goods and complex consumer goods that are designed prior to the date of publication in the Federal Register of the rule under subsection (a), unless the Administrator finds that such replacement parts contribute significantly to the risk, identified in a risk evaluation conducted under subsection (b)(4)(A), to the general population or to an identified potentially exposed or susceptible subpopulation.<sup>5</sup>

TSCA requires EPA to “exempt replacement parts for complex durable goods and complex consumer goods” except in instances where the “replacement parts contribute significantly to the risk” identified in the risk evaluation. Therefore, EPA’s Section 6(a) authority is limited to applying regulatory restrictions on replacement parts only if there is a risk evaluation under Section 6(b)(4)(A) that finds unreasonable risk. If the risk evaluation finds that there is an unreasonable risk, the agency must provide evidence that the replacement parts contribute significantly to that risk.

Imposing regulatory requirements on replacement parts manufactured to repair vehicles will be cost-prohibitive. To redesign or reengineer a part, including validation of the durability, reliability, and safety for a vehicle no longer in production, is not a workable option. If pre-existing replacement parts for older models are subject to Section 6 regulation, a series of significant results could follow:

- Replacement parts would not be available for needed repairs, and consumers would not be able to repair their vehicles, which would devalue their investment in a vehicle.
- Automotive safety may be jeopardized as “workarounds” are developed to extend the life of individual vehicles.
- Repair shops and companies that manufacture and use these parts would be significantly disadvantaged by losses in revenue and stock value.

As with articles, Auto Innovators recommends that EPA broadly exclude uses of replacement parts.

## Conclusion

In conclusion, while we have no specific comments on 1-BP at this time, Auto Innovators appreciates the opportunity to reiterate our past concerns abouts EPA’s lack of implementation of TSCA Sections 6(c)(2)(E) on articles and 6(c)(2)(D) on replacement parts. We look forward to understanding how EPA will implement these provisions and recommend that EPA engage with members of the regulated community to fully understand the implications of these key provisions of the Lautenberg Chemical Safety Act. We would welcome the opportunity to meet with EPA staff to more fully explain our concerns.

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<sup>5</sup> *Id.* § 2605(c)(2)(D).

Sincerely,

A handwritten signature in blue ink that reads "Catherine D. Palin". The signature is written in a cursive style with a blue color.

Catherine Palin  
Alliance for Automotive Innovation