ALLIANCE FOR AUTOMOTIVE INNOVATION

October 23, 2024

Submitted via https://www.regulations.gov.

Ms. Sarah Au
Data Gathering and Analysis Division (7406M)
Office of Pollution Prevention and Toxics
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460–0001

RE: Proposed High-Priority Substance Designations Under the Toxic Substances Control Act, EPA-HQ-OPPT-2023-0601

Dear Ms. Au:

On July 25, 2024, EPA published a notice of availability and request for comment on its proposal to designate acetaldehyde (CASRN 75-07-0), acrylonitrile (CASRN 107-13-1), benzenamine (CASRN 62-53-3), vinyl chloride (CASRN 75-01-4), and 4,4-methylene bis(2-chloroaniline) (MBOCA) (CASRN 101-14-4) as High-Priority Substances for risk evaluation. The Alliance for Automotive Innovation[1] (Auto Innovators) appreciates the opportunity to provide comments to EPA on this precedent-setting action taken under the authority of TSCA section 6(b)(1) and (3)(C).

Auto Innovators represents the auto manufacturing sector, including automakers that produce and sell around 95% of the new light-duty vehicles in the United States. Our mission is to work with policymakers to realize a future of cleaner, safer, and smarter personal transportation and to work together on policies that further these goals, increase U.S. competitiveness, and ensure sustainable, well-paying jobs for citizens throughout the country.

On March 18, 2024, Auto Innovators submitted comments to EPA on its Notice on Initiation of Prioritization Under the Toxic Substances Control Act (TSCA).[2] At that time, we focused our comments on EPA's stakeholder engagement during pre-prioritization and what appeared to be a lack of transparency in engagement of interested parties in the process. With respect to those five chemicals, we continue to be concerned that the process used by EPA engaged only a limited and select group of stakeholders that were not representative of all the sectors and downstream chemical users that would potentially be impacted by their selection. We do, however, appreciate EPA's revised approach to consulting stakeholders on proposing chemicals for prioritization as practiced this fall.

In the 2023 Pre-Prioritization Update[3] presented by EPA/OCSPP staff, coordination with interested parties was named as a key element for how the pre-prioritization process would proceed. In the

[1] From the manufacturers producing most vehicles sold in the U.S. to autonomous vehicle innovators to equipment suppliers, battery producers and semiconductor makers – Alliance for Automotive Innovation represents the full auto industry, a sector supporting 10 million American jobs and five percent of the economy. Active in Washington, D.C. and all 50 states, the association is committed to a cleaner, safer and smarter personal transportation future. www.autosinnovate.org.
[2] 88 Fed. Reg. 87,423 (Dec. 18, 2023).
[3] *Available at* https://www.regulations.gov/document/EPA-HQ-OPPT-2023-0601-0001.

absence of any record in the public docket for the pre-prioritization meetings held with selected industry and NGO groups, we were unable to identify who EPA may have invited to these meetings, how attendees were selected, and whether or not the issues we believe should be considered by EPA when selecting chemicals for prioritization were raised. We request that our March 18, 2024, comments be incorporated into these comments by reference in full.

We offer the following comments on the five chemicals proposed for designation as high priority.

Lack of Identification of Conditions of Use

While the notice of availability provides a significant amount of detail regarding the approach EPA used to support the proposed designation for each chemical substance and instructions on how to access the chemical-specific information, analysis, and the basis EPA used to make the proposed designation for each chemical substance, it lacks any indication of what conditions of use EPA may be considering for assessment. In the absence of such information, it is difficult to comment on whether and how the selection of these five chemicals may impact the automotive sector. For example, MBOCA is used to manufacture resins, plastics, rubbers and other chemicals, which become integral components of gears, gaskets, and wheels. If these uses are being considered as conditions of use, then we would have serious concerns about the potential regulation of MBOCA. In the absence of knowing what downstream applications of all five potential high priority chemicals are being considered as conditions of use, it is difficult to provide meaningful comment or information.

De Facto Regulation of Other Chemicals

By selecting five "building block" chemicals, EPA may be assessing and potentially regulating other chemicals that are dependent on these five for synthesis. For example, vinyl chloride is the starter chemical for polyvinyl chloride (PVC). Depending on how EPA chooses to identify conditions of use for vinyl chloride, EPA may be expanding this designation to include PVC and other plastics dependent on vinyl chloride as a starter chemical. By selecting these five chemicals, EPA may well ultimately be assessing many more chemicals that are dependent on these for manufacture. EPA should limit its risk assessment and evaluation to the five chemicals and not look at synthesis products that may be manufactured with these five chemicals.

In conclusion, a lack of clarity regarding the process EPA used to engage stakeholders in the selection of these five chemicals and the meetings held to discuss them continues to hamper the ability of interested parties to comment. The dearth of information on exactly what EPA is proposing to assess for the five proposed chemicals also makes it difficult to provide meaningful comment on the impact that the selection of these five may have, especially as there is the potential that the assessments will reach down into complex material supply chains.

Please feel free to reach out to me should you have any questions.

Sincerely,

Catherine Palin
Senior Attorney & Director of Environmental Policy
Alliance for Automotive Innovation