

**Before the United States Environmental Protection Agency**  
**Proposed High-Priority Substance Designations Under the Toxic Substances Control Act**  
**(TSCA); Notice of Availability and Request for Comment**  
**84 Fed. Reg. 44,300 (Aug. 23, 2019)**  
**Docket EPA-HQ-OPPT-2019-0131**

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**Comments of the Chemical Users Coalition**

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The Chemical Users Coalition (“CUC”) appreciates the opportunity to provide these comments regarding the U.S. Environmental Protection Agency’s (“EPA’s” and “the Agency’s”) proposed designation of “High-Priority Substances” for Risk Evaluation pursuant to Section 6(b) of the Toxic Substances Control Act (“TSCA”). CUC is an association of companies from diverse industries interested in chemical regulatory policy from the perspective of entities that typically acquire and use, rather than manufacture, chemical substances.<sup>1</sup> CUC encourages regulators, such as EPA, to develop a robust body of information concerning chemical substances under consideration for regulatory action, including a thorough understanding of the conditions of use for such substances. When such information is sought, acquired, and considered carefully by regulators, regulators can more effectively develop and implement potential requirements when necessary to effectively and efficiently protect health and the environment in a manner that enables the regulated community to pursue technological innovation simultaneously with sustainable economic development in the United States. .

Taken together, CUC members are users of nearly all of the 20 chemical substances that EPA has proposed to designate as High-Priority Substances. CUC members therefore have practical knowledge of, and information about, how the 20 High-Priority Substances are used in the various members’ industries. As EPA proceeds to finalize its designation of High-Priority Substances and to likely initiate Risk Evaluations for these substances, CUC urges the Agency to seek information about, and be cognizant of, the real-life (on-going) uses for the designated substances in the market, including, but not limited to, those sectors represented by CUC members. CUC encourages EPA to thoroughly understand the actual conditions of such uses in the workplace and the considerable importance that products which might contain these substances can have in the commercial and industrial sectors in which they play a role. These factors can profoundly influence characterizations of potential exposures and releases within the overall context of the Risk Evaluations the Agency intends to undertake and complete. Further, EPA also should deliberately seek, as part of its overall Risk Evaluations, information concerning the level of effort required to develop suitable products for specialized uses in highly technical and complex equipment such as those which are created and used in the CUC members’ sectors, including equipment with government-mandated specifications. This information will enable EPA personnel to better understand the potential consequences that can follow from EPA’s Risk Evaluation conclusions.

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<sup>1</sup> The members of CUC are Airbus S.A.S., The Boeing Company, HP Incorporated, IBM Company, Intel Corporation, Lockheed Martin Corporation, and United Technologies Corporation.

A comprehensive understanding of the manufacturing processes, down-stream uses, and manufactured products that are made using High-Priority Substances will allow EPA to better understand potential workplace exposures and to more accurately assess the potential for environmental releases of High-Priority Substances. To achieve this, the Agency should dedicate the necessary time and resources to gaining a practical awareness of how High-Priority Substances are used in not only CUC members' industries but other businesses as well. Considering only hypothetical conditions of use (or not fully understanding actual conditions of use) will not further the protection of human health and the environment but could instead lead to unwarranted regulatory restrictions that provide insignificant human health or environmental benefits while imposing unintended adverse consequences on regulated industries that ultimately discourage the continued development of useful and critically important products.

When selecting High-Priority Substances and undertaking Risk Evaluations, EPA also should be certain to gather information on and to understand fully the way in which such uses can be critical to, and provide, important societal benefits. Such an awareness will provide important context for EPA's decision-making as it proceeds with implementing the provisions of TSCA's 2016 amendments governing existing chemical substances.

To support the development of robust Risk Evaluations, CUC and its members offer to act as resources in identifying uses of the proposed High-Priority Substances and providing insight concerning their actual conditions of use, as well as into the complex technical qualification standards and performance specification processes, including the lengthy lead times required if forced by regulatory constraints (or public sentiment-driven chemical "de-selection" movements) to identify and accommodate the need for chemical substitutions.

CUC appreciates EPA's interest in seeking public input in its prioritization of chemical substances for potential Risk Evaluations and would be pleased to meet with EPA personnel to discuss these comments.