

EPA Extends Comment Periods on Proposed TCE Rulemakings

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U.S. EPA has extended the comment periods for two of the agency's proposed trichloroethylene (TCE) rulemakings.

TCE is a volatile organic compound widely used in industrial and commercial processes. On December 7, 2016, EPA proposed a rule under Section 6 of the Toxic Substances Control Act (TSCA) to:

- Prohibit the manufacture, processing, and distribution in commerce of TCE for use in aerosol degreasing and for use in spot cleaning in dry cleaning facilities;
- Prohibit commercial use of TCE for aerosol degreasing and for spot cleaning in dry cleaning facilities;
- Require manufacturers, processors, and distributors of TCE to provide downstream notification of these prohibitions throughout the supply chain; and
- Impose related recordkeeping requirements.

Comments on the proposed rule were originally due by February 14, 2017.

On January 19, 2017, EPA proposed a rule regarding the use of TCE in vapor degreasing operations, the requirements of which closely tracked the aerosol degreasing rule. On that same day, the Halogenated Solvents Industry Alliance, Inc. (HSIA) filed comments to the rulemakings, requesting an extension on the comment deadlines. HSIA represents producers and users of TCE. HSIA noted that the two proposed rulemakings are based on the same risk assessment and raise many common legal and policy issues; HSIA argued it would be "redundant and duplicative to address the common issues separately," and requested that the comment deadline for both proposals be extended by 30 days from March 20 to April 20, 2017.

On February 8, 2017, the agency released a pre-publication notice of a *Federal Register* document extending the comment periods for both proposed rules by 30 days each, partially granting HSIA's request. Under the new schedule, comments must be received for the aerosol degreasing rule on or before March 16, 2017, and comments must be received for the vapor degreasing rule on or before April 19, 2017.

We also note that EPA recently released a list of the first ten priority chemicals, including TCE, to undergo a comprehensive risk evaluation under the Frank R. Lautenberg Chemical Safety for the 21st Century Act (the first

reform of TSCA in over 40 years). A public “scoping session” on the proposed risk assessment was held on February 14, 2017 in Washington, D.C.

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