



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

MAY 24 2019

Ms. Judith Nordgren
Managing Director, Chlorine Chemistry Division
American Chemistry Council
700 Second St., N.E.
Washington, DC 20002

Dear Ms. Nordgren:

This letter is the response to the Request for Correction (RFC) received by the U.S. Environmental Protection Agency on December 15, 2015, which was assigned RFC #16002 for tracking purposes. In the RFC, the ACC's Chlorine Chemistry Division challenges the "objectivity" of several statements related to potential exposure of ethylene dichloride found in the documents developed for the Office of Pollution Prevention and Toxic's "TSCA Work Plan for Chemicals Assessments" (2014 Update and the TSCA Work Plan Chemicals Methods Document (2012)). ACC's letter suggests that the potential exposure statements are not consistent with the *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency*^a. To address its information quality concerns, ACC asks that EPA revise its conclusions about the potential exposure to ethylene dichloride to reflect the available information on uses, emissions, and environmental presence and persistence and reconsider its planned review of this chemical as part of the Agency's chemical assessment efforts under the TSCA Work Plan.

After receiving ACC's RFC package, the Toxic Substances Control Act (TSCA) was amended with the enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act on June 22, 2016 (Pub. L. 114-182).^b As amended, TSCA specifically cites to the TSCA Work Plan Chemicals Methods Document of 2012 and the 2014 update of the TSCA Work Plan for Chemical Assessments in the context of the mandates associated with the evaluation of existing chemicals (e.g., see TSCA section 6(b)). Having been specifically incorporated into TSCA, neither document (or the inclusion of ethylene dichloride in those documents) is subject to revision.

Given the new statutory framework and related implementing rules, when TSCA Work Plan chemicals are considered for any of the three stages of EPA's process for ensuring the safety of existing chemicals (i.e., prioritization, risk evaluation, and risk management), the Agency will consider all reasonably available information. In fact, the procedural rules specifically identify

^a <https://www.epa.gov/sites/production/files/2015-08/documents/epa-info-quality-guidelines.pdf>.

^b Pub. L. 114-182. Additional information on the new law is available on EPA's Web site at <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act>.

multiple opportunities for the public to provide additional information and comments to inform EPA activities throughout the existing chemical review.

In addition, when EPA has provided a structured opportunity for public comment on information in a draft or proposed document, EPA generally expects to treat requests filed under the IQG procedurally like other public comments, addressing them in the response to comments rather than through a separate response mechanism. EPA believes that the thorough consideration provided by the public comment process established in the TSCA existing chemical review program serves the purpose of the IQGs, provides an opportunity for correction of any information that does not comply with the Guidelines and does not duplicate or interfere with the orderly conduct of the Agency's actions.^c Therefore, ACC's detailed comments that are provided in this RFC are best considered in the context of the public comment opportunities and review activities in the existing chemicals program under TSCA. As such, EPA will consider your comments when we conduct prioritization of ethylene dichloride.

If you are dissatisfied with this response, you may submit a Request for Reconsideration. EPA requests that any such RFR be submitted within 90 days of the date of EPA's response. If you choose to submit an RFR, please send a written request to the EPA Information Quality Guidelines Processing Staff via mail (Information Quality Guidelines Processing Staff, Mail Code 2811R, U.S. EPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460); electronic mail (quality@epa.gov); or fax ([202] 565-2441). If you submit an RFR, please reference the IQG Tracking number assigned to the original Request for Correction (RFC #16002). Additional information about how to submit an RFR is listed on the EPA Information Quality Guidelines website at <http://epa.gov/quality/informationguidelines/index.html>.

Sincerely,



Alexandra Dapolito Dunn, Esq.
Assistant Administrator

cc: Vaughn Noga, Deputy Assistant Administrator for Environmental Information and Chief Information Officer
Vincia Holloman, Director, Enterprise Quality Management Division, Office of Enterprise Information Programs, Office of Mission Support
Jeff Morris, Director, Office of Pollution Prevention and Toxics
Angela Hofmann, Director of Regulatory and Information Coordination, Office of Chemical Safety and Pollution Prevention

^c See Section 8.5 of the IQG. <http://epa.gov/quality/informationguidelines/index.html>.