



## **ASSISTANT ADMINISTRATOR FOR CHEMICAL SAFETY AND POLLUTION PREVENTION**

WASHINGTON, D.C. 20460

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**Re: PET-001904: Toxic Substances Control Act Section 21 Petition Concerning Prohibition of Hydrogen Fluoride in Domestic Oil Manufacturing – EPA Response**

Dear Ms. Kyle, Ms. Hsieh, Ms. Phillips, Ms. Jathan, Mr. Hafetz, Ms. Fox, Ms. Lazerow, and Mr. Parepally:

The U.S. Environmental Protection Agency is responding to your petition submitted on February 11, 2025, and filed pursuant to section 21 of the Toxic Substances Control Act. The petition requests the EPA issue a rule under TSCA section 6(a) because the petition identifies hydrogen fluoride as presenting an unreasonable risk to health or the environment under one or more conditions of use – specifically, use of HF for alkylation at United States refineries, and the rail and truck transportation needed to supply HF to those refineries.

The Agency has reviewed the information submitted in your petition. The petition's request to initiate a proceeding for the issuance of a rule under TSCA section 6(a) is deficient. While the petition can point to historical incidents of HF releases at refineries, the petition did not establish the likely duration, intensity, frequency, and number of exposures of HF involving such releases. The petition describes the releases as catastrophic, accidental, and worst-case scenarios, as well as circumstances involving extreme weather and natural disaster events. The Agency has been consistent in its position that it is not appropriate for a risk evaluation in accordance with TSCA section 6(b) to consider catastrophic or accidental releases, extreme weather events, and natural disasters that do not lead to regular and predictable exposures. As a result, the facts presented in the petition did not establish unreasonable risk under the conditions of use of using and distributing in commerce HF for domestic refining. By extension, the petition's claim that governmental authorities and industry programs cannot eliminate such unreasonable risk is moot. Accordingly, EPA denied the request to initiate a proceeding for the issuance of a rule under TSCA section 6(a).

The Agency's reasons for denying the petition will be published in a forthcoming edition of the *Federal Register*. A pre-publication copy of that *Federal Register* document is enclosed.

Under TSCA section 21, within 60 days of a denial, the petitioner has the right to appeal the Agency's denial of its TSCA section 21 petition by commencing a civil action in a U.S. district court to compel initiation of the requested proceeding. If you would like to discuss this matter further, please contact Thomas Groeneveld at (202) 566-1188 or [groeneveld.thomas@epa.gov](mailto:groeneveld.thomas@epa.gov).

Sincerely,

Nancy B. Beck, Ph.D., DABT  
Principal Deputy Assistant Administrator

Enclosure:

Pre-Publication Copy of the *Federal Register* document titled: "Hydrogen Fluoride; TSCA Section 21 Petition for Rulemaking under TSCA Section 6; Reasons for Agency Response; Denial of Requested Rulemaking" (FRL-12651-01-OCSP).