

# CHLORINATED PARAFFINS INDUSTRY ASSOCIATION

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1250 Connecticut Avenue, NW • Suite 700 • Washington, DC 20036

## MCCP and LCCP U.S. Regulatory Status Update – March 2017

This is an update on the U.S. regulatory status of Medium-Chain Chlorinated Paraffin (MCCP), C<sub>14</sub> - C<sub>17</sub>, and Long-Chain Chlorinated Paraffin (LCCP), C<sub>18</sub> - C<sub>20</sub>, and the ongoing interactions between industry and U.S. EPA regarding the review of these chemicals. The Chlorinated Paraffins Industry Association (CPIA) represents the manufacturers of chlorinated paraffins (CPs) and works closely with downstream CP users.

### Background

Chlorinated paraffins, including MCCP and LCCP, have been reviewed by U.S. EPA since the 1970's. EPA initiated an extensive testing program on CPs in the late 1970's that continued through the mid-1980's, including environmental and toxicology testing on the range of CP chemistries and chronic testing on several CPs by National Toxicology Program (NTP). In 1994, based on this testing and subsequent risk evaluations, EPA added Short-Chain CPs (SCCP), C<sub>10</sub> - C<sub>13</sub>, to the Toxic Release Inventory (TRI) and took no further action on MCCPs and LCCPs.

In 2009, EPA took the unexpected position that all CPs were not adequately described on the TSCA Inventory, even though the industry had been using several generic category substance descriptions to report production since the initiation of the TSCA Inventory in 1977. EPA initiated enforcement actions against the two main U.S. suppliers at the time, which resulted in settlements that prohibited further manufacture and import of SCCPs and required the submission of premanufacture notices (PMNs) as new chemicals for the remaining CPs. In 2012, EPA received a series of PMNs on various CP substances from three companies (the two original suppliers and a new manufacturer). In 2013, EPA approved three new substances which it describes as a new category called very long chain CPs (vLCCP), C<sub>21+</sub>. EPA continues to review the remaining CPs, as new chemicals, under the PMN process. During this time the two main suppliers of MCCPs in 2009 have been allowed to continue to manufacture and import MCCPs and LCCPs but no other manufacturer has been allowed to supply MCCPs and LCCPs in the U.S.

In January 2015, EPA informed the PMN submitters that it would seek the cessation of manufacture and import for those PMN substances in the MCCP and LCCP range. Upon learning this, CPIA and its members reached out to impacted downstream industries and their trade associations. CPIA and a number of impacted trade groups<sup>i</sup> formed a coalition that has been actively engaging EPA since 2015 in an attempt to have the Agency reconsider both its scientific assessment of these chemicals and also the process for its assessment and ultimate regulation. The coalition seeks to have these chemicals reviewed and regulated in the public process for existing chemicals, recently expanded with the 2016 amendments<sup>ii</sup> to TSCA, and not in the PMN new chemical process, which includes no formal role for impacted industries or independent review of the science.

### Recent Activities

EPA had a public comment period on the risk assessments related to the MCCP and LCCP PMNs in early 2016. EPA received over 20 comments from CPIA, the coalition, impacted businesses and trade associations, the Department of Defense, and a tribal group. Since the close

of this comment period, we have continued to interact with EPA to understand the next steps in the process for the review of these chemicals. EPA has yet to respond to any of the comments or to the request from numerous commenters to conduct an independent external peer review meeting on the science. We recently learned that EPA is in the process of updating the risk assessments for MCCPs and LCCPs, though these revised risk assessments have not yet been provided to the PMN submitters or to the public.

CPIA and the coalition are renewing the discussions with EPA in light of the recent change in Administrations. These discussions focus on allowing the manufacture and import of all remaining CPs for which PMNs have been submitted and the conduction of any further evaluation and regulation of these chemicals under existing substance regulations. The coalition is engaging the new EPA Administrator on this issue and we understand that EPA will not take any formal action on the MCCP and LCCP issues until after the new EPA leadership has had an opportunity to evaluate the issue. Coalition members expect to meet with Administrator Pruitt in the coming months to continue to press the case for the review and regulation of these chemicals as existing substances.

CPIA is aware that statements have been circulating that EPA may still ban MCCPs and LCCPs, as early as 2017. CPIA is aware of no information that support these statements. EPA has not signed consent orders with the PMN submitters to enact the cessation of manufacture or import. EPA either needs such agreements in place or needs to obtain a court injunction prohibiting manufacture or import to achieve such a cessation. EPA could also seek a ban under a TSCA Section 6 rulemaking. None of these actions have occurred. Please see the article by Andrew Jaques, CPIA Executive Director, in the August 2016 *Compoundings* for a longer discussion on this topic.

While EPA may still take regulatory action on MCCPs and LCCPs, CPIA and its partners in the coalition will continue to advocate that any such regulation should only occur through public rulemaking, including notice and comment prior to any final regulatory action.

### Contact

Please contact Andrew Jaques for additional information at (202) 419-1504 or [ajaques@regnet.com](mailto:ajaques@regnet.com).

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<sup>i</sup> The Adhesive and Sealant Council, American Chemistry Council, American Wire Producers Association, American Chemistry Council's Center for the Polyurethanes Industry, Chlorinated Paraffins Industry Association, Independent Lubricant Manufacturers Association, Industrial Fasteners Institute, Motor and Equipment Manufacturers Association, and Vinyl Institute jointly submitted coalition comments in 2016. Additional trade groups including the Aerospace Industries Association, American Coatings Association and National Association of Manufacturers have also been active on the issue.

<sup>ii</sup> Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act – June 22, 2016.