

CHLORINATED PARAFFINS INDUSTRY ASSOCIATION

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U.S. Regulatory Update for CP Substances April 2019

In May 2017, EPA approved all outstanding chlorinated paraffin (CP) premanufacture notices (PMNs) and allowed the PMN submitters¹ - Dover Chemical, Inovyn, and Qualice LLC - to either continue or initiate manufacture and import on a wide range of CP substances, including medium-chain CPs (MCCPs), long-chain CPs (LCCPs) and very long-chain CPs (vLCCPs). Notices of Commencement (NOCs) were submitted to EPA shortly after the PMNs were approved which then placed these substances on the TSCA Inventory, see CPIA's prior updates concerning TSCA Inventory Status of CPs.

There was a Consent Order (CO) attached to the approval of these PMNs, which is common for most PMN approvals. The CO requires the manufacturers and importers of these CP substances to conduct a series of environmental fate and aquatic toxicity studies. It also limits the uses to "a flame retardant and plasticizer in PVC and polymers; a flame retardant, plasticizer and lubricant in adhesives, caulks, sealants, and coatings; an additive in lubricants including metalworking fluids; a flame retardant and plasticizer in rubber; a flame retardant and waterproofer to textiles." CPIA believes that this description covers all existing use applications of these CP substances.

CPIA is working with EPA on the required testing program in the CO. CPIA met with EPA in December 2018 to report on the current status of CP testing and to recommend several revisions to the testing program based on recent studies conducted for the European REACH regulation. CPIA is in regular communication with EPA on this testing program and on CP matters in general. Dover Chemical, Inovyn, and Qualice LLC have formed a task force to expedite the completion of the required testing.

EPA issued a proposed Significant New Use Rule (SNUR) in August 2018 that was intended to apply the requirements of the CO to any manufacturer or importer of these substances that is not a signatory to the CO. While this SNUR does not directly apply to CPIA members as they are separately bound by the COs, CPIA commented to EPA that it did not believe that the language in the proposed SNUR was consistent with the CO. This concern specifically was on language that some have interpreted to mean that these CP substances can no longer be manufactured or imported after 5 years. Other organizations also submitted similar comments regarding this proposed SNUR. CPIA understands that EPA is working on revisions to the SNUR to resolve this confusion. It is CPIA's understanding that, provided the necessary testing is completed, there will be no cessation of manufacture or import of these chemicals after 5 years.

If you have questions, please contact Andrew Jaques, CPIA Manager, at (202) 419-1504 or ajagues@regnet.com.

¹ These 3 PMN submitters are also the members of CPIA.