



EPA Review of MCCPs and LCCPs

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The U.S. Environmental Protection Agency (EPA) has been reviewing chlorinated paraffins (CPs) since the 1970s. CPs are industrial chemicals used in metalworking, polymer formulations and specialty coatings. They impart important chemical characteristics such as flame retardancy and extreme-pressure lubricity that are not easily substituted in many cases.

As discussed in my many previous articles in *Compoundings* over the years, the EPA took actions starting in 2009 that resulted in all current CP chemicals going through the premanufacture notification (PMN) process for new chemicals. This includes medium-chain CPs (MCCPs), C14-17; long-chain CPs (LCCPs), C18-20; and very long-chain CPs (vLCCPs), C21+. While these PMN reviews were agreed to by two CP manufacturers as part of consent orders, there is growing concern among the processors and users of CP products that this process is inappropriate because most of these are substances have been in active commerce for many years and because the PMN process does not have a mechanism to consider the impacts to CP processors and users and other affected stakeholders.

Over a dozen PMNs were submitted to the EPA for CPs between 2012 and 2014 by three separate companies. The EPA completed its review on three vLCCP PMNs and approved them subject to additional environmental fate testing (described in a February 2016 SNUR (40 CFR 721.10673-75)). All of the other CP PMNs remain under EPA review.

In January 2015, the EPA sent letters to the PMN submitters for MCCPs and LCCPs indicating that, based on concerns for risks to the environment in the agency's draft risk assessments, the EPA was considering Toxic Substances Control Act (TSCA) Section 5(e) consent orders that would cease the manufacture or import of those MCCPs and LCCPs after May 31, 2016. The PMN submitters did not agree to accept such consent orders, noting their concerns with the draft risk assessments and effects on downstream processors and end users relying upon these chemicals.



Throughout 2015, the EPA received input from these stakeholders and their trade associations, including ILMA and several organizations representing metal parts manufacturers. As a result of this input, the EPA asked for public comment on the draft risk assessments of MCCPs and LCCPs, and that comment period closed on March 23, 2016. The EPA received numerous detailed comments on the MCCP and LCCP risk assessments and is now in the process of reviewing these comments and potentially revising the risk assessments.

In September and October 2015, the EPA indicated during two public presentations — including a presentation by Maria Doa at the 5th International Conference on Metal Removal Fluids — that it was now considering the issuance of consent orders that would require a phaseout of the manufacture and import of these chemicals by mid-2017. Recent correspondence from an automotive manufacturer to its suppliers has mentioned this mid-2017 date as a reason to

reformulate all products to remove MCCPs and LCCPs before this supposed deadline, creating confusion for formulators and users of these chemicals as to the basis for this action.

Users of MCCP and LCCP products should be aware that the EPA has not issued consent orders for this date or even shown draft consent orders to the PMN submitters with a 2017 date. Thus, that mid-2017 date from the presentation has no regulatory significance. Such agreements must be in place before a deadline for phaseout or cessation of manufacture for MCCPs and LCCPs can occur. The EPA cannot simply issue a ban unilaterally under TSCA Section 5.


Even if the EPA and current MCCP and LCCP suppliers cannot reach agreement on a path forward, meaning they cannot agree to consent order language, these chemicals would not be automatically removed from the marketplace. Given the ongoing uses, the EPA would have to either promulgate a rule under TSCA Section 6 and/or seek an injunction in court for the cessation of manufacture and import under TSCA Section 5. Both of these actions would take considerable time and allow for the participation of downstream processors and users.

Finally, a coalition of trade associations, including ILMA, representing the suppliers, formulators and users of MCCPs and LCCPs, is pursuing additional steps on the risk assessments of these chemicals. These actions include the extensive comments submitted to the EPA in March 2016, and pursuing ongoing efforts to ensure the EPA's risk assessment undergoes full, independent peer review of the science. The coalition expects that, once the science has been fully reviewed, should any risk concerns remain, these issues can be addressed with more practical solutions for the risk management of these chemicals. We believe that these actions must occur before any further discussion occurs regarding consent order language, bans or restrictions.

Coalition participants in the March 2016 submission to the EPA are:

- Adhesive and Sealant Council
- American Chemistry Council
- American Wire Producers Association
- Center for the Polyurethanes Industry

- Chlorinated Paraffins Industry Association
- Independent Lubricant Manufacturers Association
- Industrial Fasteners Institute
- Motor and Equipment Manufacturers Association
- Vinyl Institute

In addition, the coalition has received support from the Aerospace Industry Association, the American Coatings Association, the Association of Global Automakers and the National Association of Manufacturers. 

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At last he had found the Regulatory Guidelines.