ALLIANCE FOR AUTOMOTIVE INNOVATION

April 2, 2025

Submitted through https://www.regulations.gov

Marcy Card
Existing Chemicals Risk Management Division (7403M)
Office of Pollution Prevention and Toxics
Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460-0001

RE: Draft Scope of the Risk Evaluation for Vinyl Chloride [EPA-HQ-OPPT-2018-0448]

Dear Ms. Card:

The Alliance for Automotive Innovation (Auto Innovators)[1] appreciates the opportunity to provide comments on EPA's draft scope for the risk evaluation of vinyl chloride ("Draft Scope").[2] Auto Innovators represents the full auto industry, including the manufacturers producing most vehicles sold in the U.S., equipment suppliers, battery producers, semiconductor makers, technology companies, and autonomous vehicle developers. Our mission is to work with policymakers to realize a cleaner, safer, and smarter transportation future and to ensure a healthy and competitive auto industry that supports U.S. economic and national security.

Auto Innovators wishes to express its support for the positions developed by the Vinyl Institute (VI) on the Draft Scope and to highlight concerns specific to the automotive sector. Vinyl chloride is an essential commodity chemical that is a vital part of the value chain for many products, including motor vehicles and their parts. As currently drafted, the Draft Scope could potentially include articles and replacement parts utilized by the auto industry in vehicle manufacturing, assembly, and safety maintenance. However, we believe that this is likely erroneous, since PVC products may contain at most a trace amount of vinyl chloride and pose a low potential for exposure during manufacture and use.

We request that EPA make clear in the Draft Scope that articles and replacement parts are to be excluded from the scope of any draft and final risk evaluation unless a specific articles and replacement parts assessment has been conducted in keeping with the regulatory findings and requirements of TSCA Section 6.

[1] Auto Innovators represents the full auto industry, including the manufacturers producing most vehicles sold in the U.S., equipment suppliers, battery producers, semiconductor makers, technology companies, and autonomous vehicle developers. Our mission is to work with policymakers to realize a cleaner, safer, and smarter transportation future and to ensure a healthy and competitive auto industry that supports U.S. economic and national security. Representing approximately 5 percent of the country's GDP, responsible for supporting nearly 10 million jobs, and driving $1 trillion in annual economic activity, the automotive industry is the nation's largest manufacturing sector. www.autosinnovate.org.
[2] 90 Fed. Reg. 4738 (Jan. 16, 2025).

Articles

Section 6(c) of TSCA requires that EPA shall apply prohibitions or other restrictions to an article or category of articles containing the chemical substance or mixture *only to the extent necessary to address the identified risks from exposure to the chemical substance or mixture from the article*.

> Section 6(c)(2)(E) ARTICLES. In selecting among prohibitions and other restrictions, the Administrator shall apply such prohibitions or other restrictions to an article or category of articles containing the chemical substance or mixture only *to the extent necessary to address the identified risks from exposure to the chemical substance or mixture from the article* or the category of articles so that the substance or mixture does not present an unreasonable risk of injury to health or the environment identified in the risk evaluation conducted in accordance with subsection (b)(4)(A).[3]

Section 6(c)(2)(E) limits EPA's authority to regulate articles in commerce and permits EPA to apply prohibitions and restrictions on articles "*only* to the extent necessary" to address risks identified in a risk evaluation. The statutory language is clear that EPA's section 6(a) authority is limited to applying regulatory restrictions on articles *only* if there is an unreasonable risk finding pursuant to a risk evaluation—the risk evaluation must find that placing restrictions on the article is necessary to address that risk. Therefore, in the absence of a risk evaluation in the rulemaking, the agency's limited authority to regulate articles provided in Section 6(c)(2)(E) applies to this and all other TSCA Section 6(a) rulemakings.

Replacement Parts

Similarly, Section 6(c)(2)(D) directs EPA to exempt replacement parts for complex durable goods and complex consumer goods that are designed prior to the date of publication in the Federal Register of a rule under Section 6(a).

> Section 6(c)(2)(D) REPLACEMENT PARTS. (i) IN GENERAL. The Administrator shall exempt replacement parts for complex durable goods and complex consumer goods that are designed prior to the date of publication in the Federal Register of the rule under subsection (a), unless the Administrator finds that such replacements parts contribute significantly to the risk, identified in a risk evaluation conducted under subsection (b)(4)(A), to the general population or to an identified potentially exposed or susceptible subpopulation.[4]

TSCA's exemption of replacement parts requires EPA to "exempt replacement parts for complex durable goods and complex consumer goods" except in instances where the "replacement parts contribute significantly to the risk" identified in the risk evaluation. Therefore, EPA's § 6(a) authority is limited to applying regulatory restrictions on replacement parts *only if* there is a risk evaluation. If there is a risk evaluation conducted, then it must make a finding that there is an unreasonable risk, in which case EPA must find that the replacement parts contribute significantly to that risk in order to regulate them.

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[3] 15 U.S.C § 2605(c)(2)(E) (emphasis added).
[4] *Id.* § 2605(c)(2)(D)(i).

Occupational Exposures

With respect to occupational exposures, EPA incorrectly assumes that vinyl chloride is present at 0.1% (1000 ppm) in a PVC product when vinyl chloride is not specifically listed on a product Safety Data Sheet (SDS). This assumption ignores the existing regulatory framework under the Clean Air Act, where residual vinyl chloride is required to be stripped out of all PVC resin types at sufficiently low levels to ensure worker and user safety. A paper presented at the Society of Plastics Engineers VinylTec conference in 2017 illustrated how the average typical amount of residual vinyl chloride is less than 1.0 ppm across all resin types, and in the most used PVC resin type it is below 0.3 ppm. The same paper indicates that these average typical residual vinyl chloride monomer levels have improved since 2000 across all resin types, by between 35% and 77% lower presence. Therefore, EPA should correct its faulty assumption in the draft scoping document that articles have a presence of vinyl chloride of 0.1%.

Please let us know if you have any questions about this information or would like to further discuss.

Sincerely,

Catherine Palin
Alliance for Automotive Innovation