Environmental Protection Network

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Andrew Wheeler, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

October 18, 2019

Re: Imminent and Serious Health Risks from Acute Consumer and Worker Exposure to 1-Bromopropane

Dear Administrator Wheeler:

The Environmental Protection Network (EPN) is an organization comprised of over 450 U.S. Environmental Protection Agency (EPA) alumni volunteering their time to protect the integrity of the EPA, human health and the environment. We harness the expertise of former EPA career staff and confirmation-level appointees to provide an informed and rigorous defense against current Administration efforts to undermine public health and environmental protections.

We are writing to you to express our concern about the serious health risks demonstrated in EPA's draft risk evaluation for 1-Bromopropane (1-BP) under the Toxic Substances Control Act (TSCA). The draft evaluation concludes that 1-BP presents an unreasonable risk to workers and consumers for developmental and reproductive toxicity from acute exposure. This conclusion is alarming for the following reasons:

1. Our understanding of the risks from developmental effects is that a single exposure during a critical window of vulnerability can adversely impact the fetus and these effects can be irreversible and permanent.
2. The draft risk evaluation shows that workers and consumers are exposed to 1-BP at levels close to and in some cases higher than the levels at which 1-BP has demonstrated adverse developmental effects in toxicology studies.
3. According to the risk evaluation, women of childbearing age comprise half of the large population of consumers, by-standers and workers that are exposed to 1-BP. It is likely that neither consumers nor workers are aware of these risks, and acute exposures greatly exceeding safe levels are associated with the use of 1-BP in spray adhesives, degreasing, and dry-cleaning operations.
4. The usual timeline for completion of the risk evaluation and regulatory action under TSCA is several years, which will continue to leave vulnerable populations exposed to 1-BP and at risk of these serious effects for an inordinate period of time.
5. In addition to the reproductive and developmental effects noted above, exposure to 1-BP can also result in cancer, neurological effects, and liver and kidney toxicity.

Under TSCA section 6(a) (15 U.S.C. 2605(a)), if EPA determines after a risk evaluation that a chemical substance "presents an unreasonable risk of injury to health or the environment, without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant to the risk evaluation, under the conditions of use," EPA must by rule "apply one or more requirements to the extent necessary so that the chemical substance or mixture no longer presents such risk." TSCA Section 6(d) gives EPA authority to declare a proposed rule under section

6(a) immediately effective when it is "likely to result in an unreasonable risk of serious or widespread injury to health" before completion of the rulemaking process.

While we recognize that EPA's risk evaluation is only a draft, it is extremely unlikely that EPA will change its conclusions regarding the acute risks posed by 1-BP in its final risk evaluation. Therefore, we urge EPA to regulate the hazards of 1-BP in two separate stages. The first stage should begin now, even while EPA is finalizing the risk evaluation, and should focus on the acute reproductive and developmental hazards posed by 1-BP. The first stage should:

- Use an immediately effective final rule under section 6(d) to ban 1-BP from consumer products and to prohibit commercial use of 1-BP in vapor degreasing and dry-cleaning solvent applications.
- Require downstream notification of this prohibition throughout the supply chain.
- Require warnings of the risks to women of reproductive age from 1-BP exposure on labels and safety data sheets for the remaining 1-BP products in commerce.
- Place 1-BP on the "risk list" authorized by section 5(b)(4) as a chemical that "present[s] or may present an unreasonable risk to human health and the environment."

The second stage of regulation should be focussed on remaining uses of 1-BP that are not restricted in the first stage. These uses should be regulated to the extent necessary to eliminate unreasonable risks, including cancer and neurotoxicity effects from chronic exposure. These restrictions should be imposed through the normal TSCA section 6(a) rulemaking process.

It is worth noting the similarity of 1-BP to trichloroethylene (TCE), a chemical already assessed for unreasonable risk under TSCA for which EPA has initiated regulatory action under section 6(a) . Like 1-BP, TCE's is used as a degreasing agent, drycleaning solvent, and in consumer aerosols. Like 1-BP, the driving effect for TCE is developmental toxicity. Other effects of TCE include cancer, neurotoxicity, and kidney, reproductive, endocrine and liver toxicity -- end-points that are also of concern for 1-BP.

In early 2017, EPA proposed two section 6(a) rules for TCE. The first would determine that the use of TCE in vapor degreasing presents an unreasonable risk of injury to health. Accordingly, it seeks to prohibit the manufacture (including import), processing, and distribution in commerce of TCE for use in vapor degreasing; to prohibit commercial use of TCE in vapor degreasing; and to require manufacturers, processors, and distributors (except for retailers) to provide downstream notification of this prohibition throughout the supply chain (*e.g.,* via a Safety Data Sheet (SDS)), and to keep records. EPA stated that this supply chain approach is necessary so that TCE no longer presents the identified unreasonable risks. EPA's second TCE proposal would determine that use of TCE for aerosol degreasing and spot removal in dry cleaning operations also presents an unreasonable risk to health and should likewise be banned. Similar to the first rule, the proposed rule would impose these prohibitions at all levels in the supply chain.

Because TCE and 1-BP compete in degreasing, dry cleaning and consumer aerosol applications and have very similar risk profiles, EPA should align its actions on these two solvents so that restrictions on 1-BP do not simply have the effect of increasing use of TCE. EPA's delay in finalizing its two TCE proposals is concerning and unjustified in light of TCE's serious risks. EPA should issue final TCE rules at the same time that it implements the first stage of 1-BP restrictions described above.

Respectfully submitted,

Michelle Roos
Executive Director
Environmental Protection Network

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