

February 11, 2019

Acting Administrator Andrew Wheeler  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, DC 20460

Re: National Emissions Standards for Hazardous Air Pollutants: Hydrochloric Acid Production  
Residual Risk and Technology Review - Public Hearing request: **Docket ID No.  
EPA-HQ-OAR-2018-0417**

Dear Acting Administrator Wheeler,

On behalf of our millions of members and supporters around the nation, we write to you requesting a public hearing on the Environmental Protection Agency (EPA)'s proposed amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Hydrochloric Acid (HCl) Production source category, which also seeks comment on the science- based health risk factor for ethylene oxide (EtO), *i.e.*, the reference value used to assess the health threats for community members exposed to this carcinogen.

It is not proper for EPA to be requesting comment on, or considering any change in use of the health risk factor for EtO in this source-focused proposal. First, the health risk factor for EtO was established through the systematic, peer-reviewed process of another program (Integrated Risk Information System or IRIS). The IRIS program is intentionally separated from policymaking to ensure independent, impartial, and robust consideration of toxicity information, by a science-focused EPA office (the National Center for Environmental Assessment in the Office of Research and Development).

Second, the proposal regulates one particular source category (hydrochloric acid production) under Section 112 of the Clean Air Act, and attempts to ignore the importance of assuring EtO protection, both from collocated facilities and from many other sources not addressed in the proposal. The subject of this 112 rulemaking is the facilities under review, not the EtO IRIS value.

EtO is a serious concern for public health, as EPA has appropriately recognized in the 2014 National Air Toxics Assessment and follow-up actions, not just in the Chicago area, but around the nation, including in communities along the Mississippi River industrial corridor in Louisiana's "Cancer Alley", Texas, and additional significant polluters in states such as Delaware, Missouri, Nevada, Pennsylvania, Virginia, and West Virginia – as listed in the TRI.

It is a highly hazardous industrial chemical linked to breast cancer and immune system cancers like non-Hodgkin lymphoma and lymphocytic leukemia (EPA 2016). In addition to cancer, there is evidence that long-term exposures to EtO are linked to adverse effects on the brain and nervous system and that EtO may cause spontaneous abortions and fetal damage (ATSDR 2014).

The EPA considers EtO emissions to be among the most hazardous air pollutants posing the greatest health risks in the largest number of urban areas. In addition to facilities near Chicago in Willowbrook, Gurnee and Waukegan, there are at least 118 industrial facilities in the U.S. that release ethylene oxide into the air, with the top polluters located in Louisiana and Texas, according to EPA's most recent National Air Toxics Assessment, made available in 2018.

The 2014 NATA report also shows 58 EPA monitoring tracts in 18 different counties across 12 states that have EtO air emissions at levels that pose cancer risks higher than 1 in 10 thousand people. This is far higher than the 1 in 1 million that triggers federal regulatory action under the Clean Air Act.

If EPA wishes to take comment on the EtO health risk factor (which is unnecessary and unwarranted when this is from a final, robust, peer-reviewed IRIS assessment issued by IRIS in 2016), it should do so in a rulemaking whose subject and title is clearly focused on EtO, and covering all sources and pathways of exposure, led by the science-based IRIS Program and ORD, so that all communities who are exposed, affected or interested will have clear notice and be able to participate. But since EPA has raised this issue in this proposal and given the national attention to the dangerously high emissions at several sites in the Chicago area, we urge you to hold at least one public hearing on this proposal as it relates to EtO in Chicago to give the public a chance to comment on this proposal.

Sincerely,

Alliance for the Great Lakes

California Communities Against Toxics

Delaware Concerned Residents for Environmental Justice

Earthjustice

Eco-Justice Collaborative

Environmental Justice Health Alliance for Chemical Policy Reform

Environmental Law & Policy Center

Environmental Protection Network (EPN)

Faith In Place

Illinois Environmental Council

Illinois PIRG

Little Village Environmental Justice Organization

Louisiana Environmental Action Network  
Natural Resources Defense Council  
OVEC-Ohio Valley Environmental Coalition  
People Concerned About Chemical Safety  
Respiratory Health Association  
Seven Generations Ahead  
Sierra Club