

## SUMMARY

### Comments on EPA'S Scope Documents for the Risk Evaluations of the Chemicals DIDP and DINP

January 11, 2021

On January 11, 2021, EPN submitted [comments](#) on EPA's draft scope documents for the risk evaluations of [di-isodecyl phthalate](#) (DIDP) and [di-isononyl phthalate](#) (DINP) conducted under the reformed Toxic Substances Control Act (TSCA). EPA received manufacturer requests for risk evaluations of DIDP and DINP, which belong to a family of chemicals called phthalates and are added to some plastics to make them flexible. DIDP and DINP are widely used in everyday products from flooring and shoe soles to children's toys and childcare products. Previous assessments have identified developmental, reproductive, and systemic toxicity as potential human health hazards for both chemicals.

EPN's comments raised the following concerns:

- **While the agency published separate notices in the *Federal Register* for each chemical, EPN believes DIDP and DINP should be evaluated together in a combined assessment for the following reasons:**
  - The two manufacturer requests were submitted on behalf of the same party (ExxonMobil), leading to the expectation of coincident exposure to both chemicals in the requesting party's facilities as well as other settings downstream from manufacture.
  - The conditions of use to be assessed for each chemical overlap to an overwhelming degree.
  - There is known potential for both chemicals to produce health effects that may impact human health and the environment.
  - Combined assessments of this group of chemicals have already been recommended and/or implemented.
  - Combined assessment is supported by EPA's own opinion, articulated in its Phthalate Action Plan.
- **There is political motivation in considering the use in PVC for children's toys and childcare articles in the risk evaluations.** The agency is preserving the preemption clause under TSCA, which applies to state restrictions on chemicals. That means if EPA makes a finding (either of unreasonable or no unreasonable risk) on a specific use in its assessment of a chemical, states are not be able to restrict that use beyond restrictions in the federal risk evaluation. Once the risk evaluation of DIDP and DINP is final, if EPA finds no unreasonable risk, the preemption of state rules would apply; any action a state may have taken after April 22, 2016, would be deemed null and void unless it meets certain criteria.
- **There is missing information in the manufacturer requests for each chemical.** The manufacturer requests for risk evaluation of both DIDP and DINP summarize the information that must accompany a request in order for it to be considered for action by the agency, citing the rule governing the development of risk evaluations under TSCA. However, the reference lists for both chemicals are missing sources that EPN considers relevant to the risk evaluations.

## Background

TSCA was passed in 1976 to keep dangerous chemicals off the market and protect people from exposure to existing chemicals. It was [amended and strengthened](#) in 2016, requiring EPA to set priorities for which chemicals to assess, evaluate their risks and impose restrictions to protect people's health and the environment.