

**EPN Comments on the 4,4'-(1-Methylethylidene)bis[2,6-dibromophenol] (TBBPA)
Risk Evaluation Under the Toxic Substances Control Act (TSCA)**

Docket No.: EPA-HQ-OPPT-2018-0462

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Background

EPA is currently in the process of implementing its Existing Chemicals Review Program process for five chemicals: 4,4'-(1-Methylethylidene) bis[2,6-dibromophenol] (TBBPA)¹, 1,1,2-Trichloroethane², 1,2-Dichloropropane³, (trans) 1,2-Dichloroethylene⁴, and Ethylene Dibromide⁵. The Existing Chemicals Review Program (“the Program”) was established in the 2016 amendments⁶ to the Toxic Substances Control Act (TSCA) to provide a formal, systematic process for revisiting, and potentially updating, the regulatory status of commodity chemicals already in the chain of commerce. This had happened only sporadically during the previous 40 years since the original TSCA was passed.

The ground rules for implementation of the Program were established beginning in 2016. A three-step process was developed: Prioritization, Risk Evaluation, and Risk Management (in that order). Each phase was defined in formal rulemaking with timelines for accomplishing each phase, including adequate time for development, public comment, and promulgation of risk management measures, if warranted. A complete and credible Risk Evaluation is dependent upon the prior development (supported by public comment and scientific peer review) of human health and ecological hazard assessments, exposure assessments and other relevant technical support documents.

TSCA Section 26 requires EPA to use the “best available science” and to base decisions on a “weight-of-evidence” approach. To ensure this requirement is met, the Program established a Science Advisory Committee on Chemicals (SACC) charged with providing review and comment on the scientific integrity of all the scientific and technical elements of a Risk Evaluation, such as the human health and

¹ 4,4'-(1-Methylethylidene)bis[2,6-dibromophenol] (TBBPA) Risk Evaluation Under the Toxic Substances Control Act (TSCA); Notice of Availability and Request for Comment, June 16, 2026 (91 FR 36138), available at www.federalregister.gov/d/2026-12012.

² 1,1,2-Trichloroethane Draft Risk Evaluation Under the Toxic Substances Control Act (TSCA); Notice of Availability and Request for Comment, July 29, 2026 (91 FR 47830), www.federalregister.gov/d/2026-15267.

³ Draft chemistry, fate, release, and exposure assessment for 1,2-dichloropropane, available at www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluation-12-dichloropropane.

⁴ Draft chemistry, fate, release, and exposure assessment technical support document for trans-1,2-dichloroethylene www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluation-trans-12-dichloroethylene.

⁵ Draft human health and environmental hazard assessment and exposure assessment for ethylene dibromide, available at www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluation-ethylene-dibromide.

⁶ Full Text of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, available at <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/full-text-frank-r-lautenberg-chemical-safety-21st>.

ecological hazard assessments, exposure assessments, etc. Commenting on possible risk management measures is outside of their purview. The SACC was established under the requirements of the Federal Advisory Committee Act, which supports, although it does not require, that the peer reviews occur in a public setting.

EPN Comments

During the week of August 3, 2026, EPA's Office of Pollution Prevention and Toxics (OPPT) held a meeting⁷ of its SACC. The agenda was focused only on the review of the human health and ecological hazard and exposure assessments and related technical support documents for these five chemicals. No Risk Evaluations for any of the chemicals were provided to the SACC for review. In recent weeks, however, the agency has released draft risk evaluations for TBBPA and 1,1,2-Trichloroethane for public comment. No draft or final Risk Evaluations have been issued for the other three chemicals. Separate comment periods for both of those draft Risk Evaluations remain open. Both comment periods overlap the SACC review but will close long before the SACC will have completed and issued its review of the technical support documents.

The flow of the Program's process is clearly out of sync. What has occurred is an inappropriate execution by EPA of its legal responsibilities in implementing its Existing Chemicals Review Program. In part, it is a problem of its own making, because the agency's failure to meet the required timelines has resulted in the imposition of the consent decree currently in place which requires that the Risk Evaluations for these two chemicals (and a substantial number of others) be completed by February 2027. EPA finds itself between a rock and a hard place, having to function with inadequate staff and funding, given the current administration's lack of appreciation for and commitment to the protection of public health and the environment.

EPN Observations and Recommendations

It is unfortunate that EPA has found itself in this current situation of not being able to conduct its Existing Chemicals Review Program in a manner consistent with the regulations governing the process. However, that provides no excuse to proceed while cutting corners. The integrity of the process is key as the regulatory decisions that will ultimately be made must be based upon solid and credible scientific evidence to assure that public health and the environment will be appropriately protected. The American population deserves nothing less.

In this specific instance, EPA should suspend the current public comment periods on the draft risk evaluations for TBBPA and 1,1,2-Trichloroethane, reinstituting and extending them only after the SACC report has been finalized and those draft risk evaluations revised in accordance with the SACC findings. Based upon discussions during the SACC meeting, these findings are highly likely to include the need for major changes in the hazard assessments, especially those related to human health. It is anticipated that the SACC's recommendations, if accepted by the agency, will trigger significant changes in the unreasonable risk findings for these chemicals' conditions of use.

This is also a cautionary tale for other chemicals in the Existing Chemicals Review Program. At the present time, there are no final reports from the SACC on o-dichlorobenzene (oDCB) and p-dichlorobenzene (pDCB), 1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta-g-2-benzopyran (HHCB), and phthalic

⁷ Peer Review for Evaluating 1,1,2-TCA; 1,2-DCP; TBBPA; EDB; and tDCE, available at <https://www.epa.gov/tsca-peer-review/peer-review-evaluating-112-tca-12-dcp-tbbpa-edb-and-tdce>

anhydride. While comment periods have been opened for their draft Risk Evaluations, they have not been finalized and should not be until final reports from the SACC have been issued.