



EPN Comments on the Draft Risk Evaluations for ortho-Dichlorobenzene (o-DCB) and para-Dichlorobenzene (p-DCB) under the Toxic Substances Control Act (TSCA)

Docket No.:EPA-HQ-OPPT-2018-0444 (o-DCB) and EPA-HQ-OPPT-2026-1189 (p-DCB)

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Summary of EPN comments

EPN is concerned that the administrative process that EPA has laid out for finalization of the draft ortho-Dichlorobenzene (o-DCB) and para-Dichlorobenzene (p-DCB) risk evaluations^{1,2} fails to guarantee sufficient time for public reviewers to evaluate the upcoming Science Advisory Committee on Chemicals (SACC) review report from the Existing Chemicals Review Program. EPN maintains that public comment informed by the SACC report in this context is essential to a satisfactory systematic process for developing risk evaluations under the program, as called for by TSCA. Therefore, EPN urges that EPA commit to allowing for reasonable time for public consideration of the SACC report. We understand that the court-ordered date of February 2027 for completion of these Evaluations³ may pose a challenge, but we urge EPA to explore ways to deal with it.

Background

EPA is currently in the process of implementing its Existing Chemicals Review Program process for a large number of chemicals including o-DCB and p-DCB. The Existing Chemicals Review Program was established in the 2016 amendments to TSCA⁴ 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.

¹ Risk evaluation for o-Dichlorobenzene, available at <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluation-o-dichlorobenzene>.

² Risk evaluation for p-Dichlorobenzene, available at <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluation-p-dichlorobenzene>.

³ *Community in-Power and Development Ass'n v. EPA*, No. 1:23cv2715 (D.D.C.).

⁴ H.R. 2576 — 114th Congress: *The Frank R. Lautenberg Chemical Safety for the 21st Century Act* (2016). Available at <https://www.congress.gov/114/plaws/publ182/PLAW-114publ182.pdf>.

The Program also includes the establishment of a SACC charged with providing review and comment only on the scientific integrity of all the scientific and technical elements of a risk evaluation, such as the human health and 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 June 8-12, 2026, EPA held a virtual public meeting on of the SACC to peer review human health and ecological hazard assessments, exposure assessments, and other relevant technical documents for HHCB, phthalic anhydride, o-DCB and p-DCB.⁵ Although EPA subsequently posted the SACC report on September 14⁶, EPN warns that this recurring pattern of out-of-sync releases deprives the public of sufficient time to thoroughly digest the independent panel's scientific findings and incorporate them into their comments before the October 9 deadline. Nonetheless, as is the case with the five chemicals that the SACC reviewed in early August of this year, EPA has issued for public comment draft risk evaluations for each of the dichlorobenzenes.

Once again, the flow of the Program's process is out of sync. What has occurred, once more, 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 not complying with their own regulations in the recent past has resulted in the imposition of the consent decree currently in place which requires that the risk evaluations for the two dichlorobenzenes (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 human and other financial resources, given the current administration's lack of appreciation for, and commitment to, the protection of public health and the environment.

⁵ Peer Review for Evaluating HHCB, phthalic anhydride, o-DCB, and p-DCB, available at <https://www.epa.gov/tsc-peer-review/peer-review-evaluating-hhcb-phthalic-anhydride-o-dcb-and-p-dcb>.

⁶ SACC Meeting Minutes and Final Report, available at <https://www.regulations.gov/document/EPA-HQ-OPPT-2026-1189-0139>.