

**EPN Comments on Ethylene Dibromide Draft Risk Evaluation Under the Toxic Substances
Control Act (TSCA)**

Docket No.:EPA-HQ-OPPT-2018-0488

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The [Environmental Protection Network](https://www.epa.gov/environmental-protection-network) (EPN) harnesses the expertise of more than 800 former Environmental Protection Agency (EPA) career staff and confirmation-level appointees from Democratic and Republican administrations to provide the unique perspective of former regulators and scientists with decades of historical knowledge and subject matter expertise.

Summary of EPN comments

EPN is concerned that the administrative process EPA has laid out for finalization of the draft Ethylene Dibromide (EDB) risk evaluation¹ 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 suspend the current public comment period and issue a revised one, allowing for reasonable time for public consideration of the SACC report. We understand that the court-ordered date of February 2027 for completion of the EDB Evaluation² may pose a challenge, but we urge EPA to investigate potential solutions to address this issue.

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), 1,1,2-Trichloroethane, 1,2-Dichloropropane, Trans-1,2-Dichloroethylene (tDCE), and Ethylene Dibromide (EDB). The Existing Chemicals Review Program was established in the 2016 amendments to TSCA³ to provide a formal, systematic process for revisiting, and potentially, updating, the regulatory status of commodity chemicals already in the chain of commerce. This has 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

¹Risk Evaluation for Ethylene Dibromide. Available at <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluation-ethylene-dibromide>.

² *Community in-Power and Development Ass'n v. EPA*, No. 1:23cv2715 (D.D.C.).

³H.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>

scientific peer review) of human health and ecological hazard assessments, exposure assessments and other relevant technical support documents.

The program also includes the establishment of the 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 August 3, 2026, EPA's Office of Pollution Prevention and Toxics (OPPT) held a meeting of its SACC.⁴ The agenda was focused only on the review of the human health and ecological hazard and exposure assessments and related technical support documents for the five aforementioned chemicals, including EDB. No final risk evaluations exist for any of the five aforementioned chemicals. However, the agency has released draft risk evaluations for all five substances. The current action represents the opening of a public comment period on the draft risk evaluation for EDB. This is occurring in spite of the fact that the SACC has not completed and issued its review of the technical support documents for this chemical. While the length of the comment period on the EDB draft risk evaluation is quite generous, there is no guarantee that the SACC will issue its final report within that time frame, and, if so, with sufficient time for potential public commenters to digest the SACC's findings and incorporate them when developing their comments on the draft risk evaluation.

Once again, the flow of the program's process is out of sync. What has occurred, once more, is an inappropriate, although not likely willful, 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 evaluation for EDB (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.

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 period on the draft risk evaluation for EDB, reinstituting and extending it only after the SACC report has been finalized and those draft risk evaluation revised in accordance with the SACC findings. Based upon discussions during the

⁴ 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>.

SACC meeting, these findings may include the need for changes in the hazard assessments, especially those related to human health. This, in turn, would trigger changes in the unreasonable risk findings for ethylene dibromide's 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 1,3,4,6,7,8-hexahydro-4,6,6,7,8,8-hexamethylcyclopenta [g]-2-benzopyran (HHCB) and phthalic anhydride. Those on o- and p-DCB were issued on September 14.⁵ While comment periods have been opened for the three draft risk evaluations, they have not been finalized and should not be until final reports from the SACC have been issued.

⁵ SACC Meeting Minutes and Final Report, available at <https://www.regulations.gov/document/EPA-HQ-OPPT-2026-1189-0139>.