

September 28, 2026

VIA REGULATIONS.GOV

Matthew Lloyd
Existing Chemical Risk Management Division
Office of Pollution Prevention and Toxics
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

Re: Draft Risk Evaluation for 1,1,2-Trichloroethane (EPA-HQ-OPPT-2018-0421)

Dear Matthew Lloyd:

The Chemical Users Coalition (CUC) is providing the enclosed comments on EPA's Draft Risk Evaluation for 1,1,2-Trichloroethane (1,1,2-TCA).

CUC is an association of companies from diverse industries that are interested in chemical management policy from the perspective of those who use, rather than manufacture, chemical substances.¹ CUC members acquire a wide range of formulations and articles from suppliers, often importing complex pieces of equipment that may contain a multitude of components, each of which is itself a finished article. CUC encourages the development of chemical regulatory policies that protect human health and the environment while simultaneously fostering the pursuit of technological innovation. Aligning these goals is particularly important in the context of chemical management policy in a highly competitive global economy.

The CUC appreciates your consideration of these comments. If you have any questions relating to this submission, please feel free to contact us.

¹ The members of CUC are Airbus S.A.S., The Boeing Company, GE Vernova, HP Incorporated, IBM Company, Intel Corporation, Lockheed Martin Corporation, National Electrical Manufacturers Association, RTX, Sony Electronics Inc., and TDK U.S.A. Corporation.

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Best regards,

/s/ Camille Heyboer

Camille Heyboer

Attachment

cc: Lawrence E. Culleen

Before the United States Environmental Protection Agency
1,1,2-Trichloroethane Draft Risk Evaluation Under the Toxic Substances Control Act
(TSCA); Notice of Availability & Request for Comment
91 Fed. Reg. 47,830 (July 29, 2026); Docket EPA-HQ-OPPT-2018-0421

Comments of the Chemical Users Coalition

The Chemical Users Coalition (CUC) appreciates the opportunity to provide these comments regarding the U.S. Environmental Protection Agency's (EPA) Draft Risk Evaluation for 1,1,2-Trichloroethane (1,1,2-TCA) (the "1,1,2-TCA Draft Risk Evaluation").

CUC is an association of companies from diverse industries that are interested in chemical management policy from the perspective of those who use, rather than manufacture, chemical substances.¹ CUC members acquire a wide range of formulations and articles from suppliers, often importing complex pieces of equipment that may contain a multitude of components, each of which is itself a finished article. CUC encourages the development of chemical regulatory policies that protect human health and the environment while simultaneously fostering the pursuit of technological innovation. Aligning these goals is particularly important in the context of chemical management policy in a highly competitive global economy.

EPA's evaluation of chemical substances under the TSCA Substances Control Act (TSCA) should focus on current conditions of use of such substances while considering carefully the significant ways in which uses of chemical substances vary across different segments of industry. Additionally, any EPA determination of unreasonable risk and subsequent regulatory action must be based in the best available science, including the consideration of the most credible information and data and consistent application of reliable scientific principles. CUC appreciates EPA's approach in the 1,1,2-TCA Draft Risk Evaluation of considering real world exposure monitoring data (both for 1,1,2-TCA and for other solvents with similar uses), and recognition of potential overestimates of risk before preliminarily determining whether a specific condition of use contributes to the identified unreasonable risk from 1,1,2-TCA. CUC is providing the comments below on a few specific areas of this draft risk evaluation.

Consideration of *East Fork Enterprises* Decision

On September 15, the Fifth Circuit published its decision in *East Fork Enterprises, Inc. v. EPA*, Case No. 24-60227 (5th Cir.), interpreting key terms of TSCA relevant to EPA's risk evaluation of 1,1,2-TCA. For example, this decision rejected the "whole chemical" approach to risk evaluations and held that EPA is required to consider the use of personal protective equipment (PPE) at the risk evaluation stage of the TSCA section 6 process. EPA's draft risk evaluation for

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1,1,2-TCA preliminarily makes a “whole chemical” risk determination. *See, e.g.,* 1,1,2-TCA Draft Risk Evaluation at 217. Consistent with the Fifth Circuit’s decision in *East Fork Enterprises*, EPA should revise its draft risk evaluation for 1,1,2-TCA to reflect condition of use-by-condition of use risk determinations. The Agency should also ensure that its assumptions regarding the use of PPE in the 1,1,2-TCA Draft Risk Evaluation are consistent with the holding in *East Fork Enterprises*. Finally, the Fifth Circuit concluded in *East Fork Enterprises* that “unreasonable risk” under TSCA section 6 is something greater than zero risk. EPA should review the 1,1,2-TCA Draft Risk Evaluation (including, for example, its use of an uncertainty factor of 300 for chronic dermal and oral risk) and ensure that the risk evaluation is tailored to identify unreasonable risk, not any non-zero risk.

Findings Regarding 1,1,2-TCA Incorporated into Articles

CUC agrees with EPA’s preliminary determination that the distribution in commerce of 1,1,2-TCA, including the distribution in commerce of 1,1,2-TCA-containing articles, does not contribute to unreasonable risk from 1,1,2-TCA. *See* 1,1,2-TCA Draft Risk Evaluation at 229. When EPA revises its risk determination for 1,1,2-TCA to reflect a condition of use-by-condition of use approach consistent with *East Fork Enterprises*, CUC encourages the Agency to continue to conclude that the distribution in commerce of 1,1,2-TCA (including in articles) does not present unreasonable risk.

Additionally, CUC encourages EPA to make clear in the final version of its risk evaluation that the import of 1,1,2-TCA *when incorporated into an article* does not present unreasonable risk. The draft risk evaluation broadly describes the condition of use of “manufacture – import” as including the import of “1,1,2-trichloroethane-containing products and articles.” Draft 1,1,2-TCA Draft Risk Evaluation at 276. However, the occupational risk identified from the import of 1,1,2-TCA is associated with the repackaging of 1,1,2-TCA. *Id.* at 147. EPA did not specifically identify the import of *articles* containing 1,1,2-TCA as presenting unreasonable risk, as would be required for EPA to regulate such articles under TSCA section 6(a). *See* 15 U.S.C. § 2605(c)(2)(E). In fact, in discussing potential exposures from the distribution in commerce of 1,1,2-TCA, EPA notes that there is “negligible potential for releases” (and therefore exposures) during the transport of *articles* containing 1,1,2-TCA. *See, e.g.,* 1,1,2-TCA Draft Risk Evaluation at 229. CUC assumes that the same “negligible potential for releases” exists with respect to the import of 1,1,2-TCA-containing articles. Thus, to ensure that any future risk management action intended to address unreasonable risks associated with the import of unincorporated 1,1,2-TCA does not inadvertently or unnecessarily impose restrictions on the import of articles based on EPA’s overly broad description in its draft of the “import” condition of use, EPA should make clear in the final 1,1,2-TCA risk evaluation (and any subsequent TSCA section 6(a) risk management rule) that the import of 1,1,2-TCA-containing articles does not present unreasonable risk and is not subject to any risk management action required to address such risk.²

² If EPA reaches a different conclusion in its final Risk Evaluation with respect to the unreasonable risk presented by any other conditions of use of 1,1,2-TCA, CUC strongly encourages the Agency to clarify the rationale for any such changes and whether articles contribute to the unreasonable risk from affected conditions of use. It is incumbent upon EPA to ensure such clarity at the risk evaluation stage for purposes of satisfying TSCA section 6(c)(2)(E) and to avoid ambiguity at the risk management stage regarding the extent of the unreasonable risk that EPA intends to address.

Consideration of Risk-Based Factors

Similarly, CUC appreciates EPA's recognition of the distinction between its risk characterization analysis and its determination of unreasonable risk. As noted in the draft risk evaluation, when making an unreasonable risk determination, EPA considers "risk-related factors beyond exceedance of benchmarks," including the type and severity of health effects, the duration, magnitude, and frequency of exposure, and "an evaluation of the strengths, limitations, uncertainties, and confidences used to inform the risk estimate and risk characterization." 1,1,2-TCA Draft Risk Evaluation at 218-19. These are "risk-based" factors that EPA is required under TSCA section 6 to consider at the risk evaluation stage as they are pertinent to whether a chemical substance actually presents an unreasonable risk under its conditions of use, which may not always be captured in modeling or other methods of developing risk estimates. In developing the final risk evaluation, CUC encourages EPA to critically assess the risk-based factors that it considered and how it weighed such factors and whether changes to how it considered risk-based factors beyond benchmark exceedances should be made based on the Fifth Circuit's decision in *East Fork Enterprises*. The Agency must also ensure that it clearly articulates how its consideration of risk-based factors beyond benchmark exceedances led to its unreasonable risk determinations.

* * *

CUC appreciates EPA's interest in soliciting public input on the draft risk evaluation for 1,1,2-TCA and would be happy to meet with the Agency to discuss these comments.