

August 17, 2026

VIA REGULATIONS.GOV

John Allran
Existing Chemical Risk Assessment Division
Office of Pollution Prevention and Toxics
Environmental Protection Agency
1200 Pennsylvania Ave. NW (7404M)
Washington, DC 20460-0001

Re: Draft Risk Evaluation for 4,4'-(1-Methylethylidene)bis[2,6-dibromophenol] (TBBPA) (EPA-HQ-OPPT-2018-0462)

Dear John Allran:

The Chemical Users Coalition (CUC) is providing the enclosed comments on EPA's Draft Risk Evaluation for 4,4'-(1-Methylethylidene)bis[2,6-dibromophenol] (TBBPA).

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

cc: Lawrence E. Culleen

**Before the United States Environmental Protection Agency
4,4'-(1-Methylethylidene)bis[2,6-dibromophenol] (TBBPA) Draft Risk Evaluation Under
the Toxic Substances Control Act (TSCA); Notice of Availability & Request for Comment
91 Fed. Reg. 36,138 (June 16, 2026); Docket EPA-HQ-OPPT-2018-0462**

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 4,4'-(1-Methylethylidene)bis[2,6-dibromophenol] (TBBPA) (the "TBBPA 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 generally supports EPA's approach in the draft TSCA section 6 Risk Evaluation for TBBPA of considering real world exposure monitoring data where they are reasonably available and modeled exposures when monitoring data are not available or relevant, and accounting for potential under- or overestimates of risk before determining whether a specific condition of use contributes to the identified unreasonable risk from TBBPA. CUC is providing the comments below on a few specific areas of this draft risk evaluation.

Findings Regarding TBBPA Incorporated into Articles

CUC members rely on TBBPA-containing articles (including components of articles) in the manufacture of their products. CUC supports EPA's conclusion that TBBPA used in articles, including electrical and electronic articles and automotive and aviation articles, does not contribute to the identified unreasonable risk from TBBPA, even when considering conservative—described

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in some cases by EPA as almost “unrealistic”—assumptions in the development of the risk characterizations. *See, e.g.*, TBBPA Draft Risk Evaluation at 105, 185.

CUC encourages EPA to make clear in the final version of its risk evaluation that the import of TBBPA when incorporated *into an article* does not contribute to the unreasonable risk determination for TBBPA. The draft risk evaluation broadly describes the condition of use of “manufacture – import” as including the import of “TBBPA-containing products and articles.” *Id.* at 238. However, the occupational risk identified from the import of TBBPA is associated with the “[r]epackaging of TBBPA [p]owder.” *Id.* at 195 (emphasis added). EPA did not specifically identify the import of articles containing TBBPA as contributing to the unreasonable risk associated with TBBPA, 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 TBBPA, EPA notes that there is “negligible potential for occupational exposure” during the transport of *articles* containing TBBPA. TBBPA Draft Risk Evaluation at 73, 185. CUC assumes that the same “negligible potential for occupational exposure” exists with respect to the import of TBBPA-containing articles. Thus, to ensure that any future risk management action intended to address risks associated with the import of TBBPA powder 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 TBBPA risk evaluation (and any subsequent TSCA section 6(a) risk management rule) that the import of TBBPA-containing articles does not contribute to the unreasonable risk and is not subject to any risk management action required to address such risk.²

Consideration of Real-World Conditions in Risk Characterizations

CUC applauds EPA’s efforts to ensure that its risk characterizations are protective without disregarding evidence of how TBBPA is used in the real world. For example, CUC supports EPA’s consideration of the existing use of exposure control measures, including personal protective equipment (PPE), in estimating worker exposures when evidence exists to support the use of such measures. *See id.* at 137, 183. Such an approach is consistent with TSCA’s requirements that EPA consider all “reasonably available information” and evaluate chemical substances under their “conditions of use,” defined as “the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.” 15 U.S.C. §§ 2602(4), 2625(k). The reference to “circumstances” in the definition of “conditions of use” logically includes aspects of the context in which a chemical substance is manufactured, imported, processed, used, and disposed of, including whether workers wear PPE. This approach also is consistent with EPA’s existing risk evaluation framework rule, which provides that EPA will consider occupational exposure scenarios based on “reasonably available information” and not *assume* use of PPE. 40 C.F.R. § 702.39(f)(2); *see also* 89 Fed. Reg. 37,028, 37,037 (May 3, 2024) (“where EPA has

² If EPA reaches a different conclusion in its final Risk Evaluation with respect to the contribution of any other conditions of use to the unreasonable risk presented by TBBPA, 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.

reasonably available information that substantiates use, fit, and effectiveness of PPE... EPA would expect to take that information into account in the risk determination”).

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.” TBBPA Draft Risk Evaluation at 177. 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. Therefore, EPA appropriately concluded that the industrial and commercial use of TBBPA in powder coatings for electrical and electronic articles and as an additive flame retardant in electrical and electronic articles does not contribute to the unreasonable risk to workers from TBBPA (despite benchmark exceedances identified in the Agency’s risk characterization analysis) because the “confluence of factors” that would result in such an exceedance are unlikely to “occur consistently in the workplace.” TBBPA Draft Risk Evaluation at 184.

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CUC appreciates EPA’s interest in soliciting public input on the draft risk evaluation for TBBPA and would be happy to provide any additional information the Agency requires to support the issuance of a final risk evaluation.