August 16, 2021
Susan Sharkey
Data Gathering and Analysis Division (7410M)
Office of Pollution Prevention and Toxics, Environmental Protection Agency
1200 Pennsylvania Ave. NW, Washington, DC 20460–0001

Re: Development of Tiered Data Reporting to Inform TSCA Prioritization, Risk Evaluation, and Risk Management (EPA–HQ–OPPT–2021–0436)

Dear Ms. Sharkey,

On behalf of the Household & Commercial Products Association[1] (HCPA) and its members, we are submitting comments on the Development of Tiered Data Reporting to Inform TSCA Prioritization, Risk Evaluation, and Risk Management (EPA–HQ–OPPT–2021–0436). HCPA appreciates EPA's early engagement with stakeholders on this issue and is supportive of improving the robustness and completeness of the data underlying TSCA decisions. Timely communication with potential stakeholders is critical, and HCPA encourages continued and active engagement with trade associations and consortia to enhance these efforts. These efforts will help EPA focus efforts appropriately and improve confidence in outcomes of prioritization and risk evaluation. HCPA and its members have had a long-standing interest in identifying how best to provide targeted use and exposure information for downstream users or processors, and are optimistic this proposal will assist in these efforts.

HCPA recommends that EPA communicate the prioritization discretion and direction of potential candidate chemicals with utmost transparency to encourage manufacturers and processors to collect and provide exposure-related data. In addition, these

[1] HCPA is the premier trade association representing the interests of companies engaged in the manufacture, formulation, distribution and sale of more than $180 billion annually in the U.S. of trusted and familiar consumer products that help household and institutional customers create cleaner and healthier environments. HCPA member companies employ hundreds of thousands of people globally. HCPA represents products including disinfectants that kill germs in homes, hospitals and restaurants; air fresheners, room deodorizers, and candles that eliminate odors; pest management products for pets, home, lawn, and garden; cleaning products and polishes for use throughout the home and institutions; products used to protect and improve the performance and appearance of automobiles; aerosol products and a host of other products used every day.

communications may encourage market deselection or development of data to support continued use.

HCPA notes the importance of identifying and understanding essential uses and potential impacts if they are to be made unavailable as early in the process as possible. Development of safe and effective alternatives or substitute chemicals that address the essential uses are encouraged; however, their development and move to market can take considerable time. HCPA has and will continue to encourage its members to communicate to EPA when they have identified that a use of an interest substance that has been phased out, or will be phased out, and thus is no longer needed.

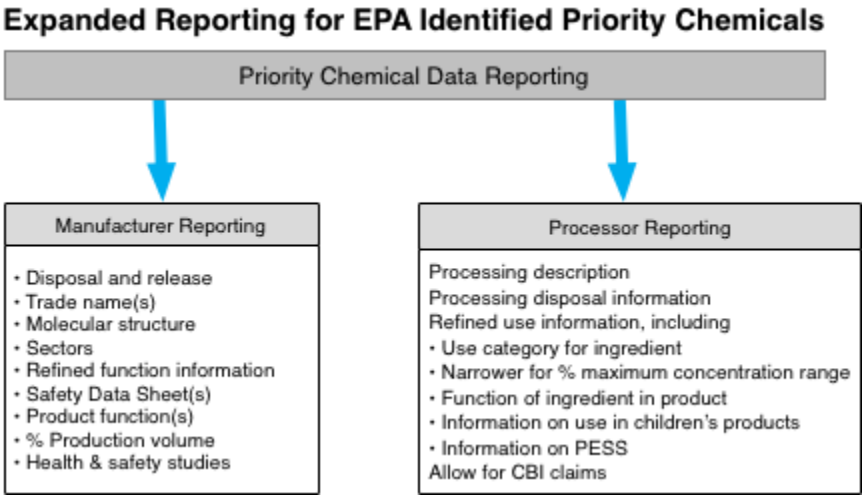
HCPA recommends EPA expand significantly upon the *how*, *when,* and *who* noted within the Overview of Data to be Collected table from the webinar presentation[2]. Given the complexity and temporal nature of supply chains, manufacturers and downstream processors will have fundamentally differing understandings and knowledge of the manufacturing and use of a particular chemical. Stated another way, processors know about the functions and uses of the chemical, while manufacturers will know more about the manufacturing process and the chemical itself. This may be an overgeneralization, but the point is that information collected upstream by manufacturers does not always reflect how the chemical is being used in the final product(s), and vice-versa. The clear determination of responsibility will also help prevent EPA from receiving and analyzing significant amounts of non-relevant information.

Further to this point, HCPA recommends that EPA be more specific about the expectation of downstream processors in their Overview of Data to be Collected table. The table appears to expect manufacturers and processors to provide chemical-specific information like molecular structure, trade names, etc., for priority chemicals as part of the RE/RM Data Set, but these and other data elements are more suited for manufacturers reporting on priority chemicals.

HCPA recommends that EPA provide more detail on who has the responsibility for the data elements of priority chemical reporting and should specifically designate who has the primary responsibility for data elements (manufacturers vs. downstream processors). For example, the following table provides greater clarity on these responsibilities, and includes some of the key detailed downstream use information to

[2] https://www.regulations.gov/document/EPA-HQ-OPPT-2021-0436-0003

better inform EPA.



HCPA recommends that EPA expand upon 'detailed use' information described as part of the RE/RM Data Set. As shown in many of the first 10 risk evaluations completed to date, the actual product uses, i.e., conditions of use, are more narrow than the CDR categories.[3] Although this issue will likely be less pronounced following the 2020 CDR cycle because of the movement to the OECD Internationally Harmonized Functional, Product, and Article Use for product categories, it is still unclear how manufacturers and processors would delineate reporting responsibility without additional clarity.

HCPA recommends that EPA define the type(s) of information that is being sought for product testing as part of the RE/RM Data Set, as many downstream consumer and commercial product manufacturers conduct various types of marketing, sensory, and consumer studies, many of which are for other purposes not relevant to EPA decision making on risk evaluation/risk management.

HCPA also notes that the reporting requirements outlined in the proposal will place increased burden on industry, as well as, EPA to store, curate and analyze the data,

[3] For example, the 2016 CDR for methylene chloride indicates product categories of Adhesives and sealants; Automotive care products; Cleaning and furnishing care products; Fabric, textile, and leather products not covered elsewhere; Laboratory Use; Lubricants and greases; Metal products not covered elsewhere; Paints and coatings; Pharmaceutical; Plastic and rubber products not covered elsewhere; Product Category and Toys, playground, and sporting equipment. The Risk Evaluation for methylene chloride notes consumer use as solvent in aerosol degreasers/cleaners; adhesives and sealants; brush cleaners for paints and coatings; adhesive and caulk removers; metal degreasers; automotive care products (functional fluids for air conditioners); automotive care products (degreasers); lubricants and greases; cold pipe insulation; arts, crafts, and hobby materials glue; anti-spatter welding aerosol; and carbon removers and other brush cleaners.

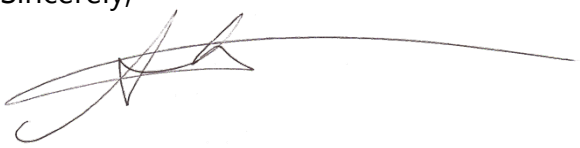
especially for the proposed annual CDR-type reporting for potential candidate chemicals as part of the COU Data Set. The activities combined with the proposed reporting requirements for the Prioritization Data Sets and the RE/RM Data Sets likely represent a significant increase in reporting requirements, and we caution EPA to communicate the benefits and requirements to stakeholders.

HCPA recommends that EPA be more specific on what type(s) of monitoring data is needed as part of the RE/RM Data Set from processors who incorporate a priority substance in a product mixture.

HCPA also wants to ensure that EPA continues to protect and manage confidential business information (CBI) that is submitted to address these data needs. Development of alternatives and substitution of ingredients are frequently treated as confidential business decisions, and it is critical that companies have assurance that this information be protected where appropriate.

Our goal is to provide meaningful information to EPA without unduly burdening industry or overwhelming EPA with unnecessary data. We look forward to working with EPA as they provide additional information on these efforts and we would happily address any questions or clarifications.

Sincerely,



Steven Bennett, Ph.D.
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