



Innovative Products For **Home. Work. Life.**

December 23, 2021

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Environmental Protection Agency  
Research Triangle Park, North Carolina 27711

Subject: HCPA Comments on Potential Future Regulation Addressing Pyrolysis and Gasification Units<sup>1</sup>; Docket ID EPA-HQ-OAR-2021-0382

Dear Ms. Fisher,

The Household & Commercial Products Association<sup>2</sup> (HCPA) appreciates the opportunity to provide the U.S. Environmental Protection Agency (EPA or Agency) the following comments to assist in the consideration of potential changes to existing regulations under the Clean Air Act (CAA) or the development of regulations pertaining to pyrolysis and gasification units that are used to convert solid and semisolid feedstocks into energy, fuels and chemical commodities.

HCPA represents member companies which manufacture, market and supply consumer and commercial chemical products, many of which are packaged in plastic containers. HCPA supports policies that encourage advanced recycling in addition to mechanical recycling of plastic. Advanced recycling processes, which include pyrolysis and gasification as well as depolymerization, are critical for reducing plastic waste and our need for virgin plastic material. Advanced recycling is able to process mixed streams of plastics which are difficult for mechanical recycling to handle. By complementing mechanical recycling with advanced recycling, society will be able to manage the packaging waste of more products and turn them into new material for future products. Between voluntary efforts to increase the post-consumer recycled (PCR) content in plastic packaging and state requirements that set minimum PCR content requirements in plastic packaging, advanced recycling policies are necessary for companies to achieve their sustainability targets and reduce the need for virgin material.

Pyrolysis and gasification are widely used processes, so it is critical that EPA is careful to avoid regulatory overlap and unintended consequences. The fact that these processes are used across various applications highlights the importance of precisely defining the scope of potential future

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<sup>1</sup> Federal Register Vol. 86, No. 171, available at <https://www.govinfo.gov/content/pkg/FR-2021-09-08/pdf/2021-19390.pdf>

<sup>2</sup> The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

regulations and those potentially affected to ensure that the intended effect is achieved without unforeseen outcomes. Because these operations have various applications, HCPA is unable to recommend a one size fits all approach for regulation of pyrolysis and gasification units. As EPA evaluates how best to address pyrolysis and gasification units, EPA may consider differentiating operations by the following groups:

- 1) Pyrolysis and gasification operations that primarily use commercial chemical feedstocks to produce chemicals which are then used to make new marketable products. Such operations are already covered under the existing authority and requirements of CAA Section 111 (New Source Performance Standards and Emission Guidelines) or CAA Section 112 (National Emission Standards for Hazardous Air Pollutants) as they relate to chemical manufacturing operations and other State and Federal permitting requirements.
- 2) Pyrolysis and gasification operations that primarily use materials recovered from waste streams to produce chemicals which are then used to make new marketable products. Such operations are manufacturing processes and could be regulated under the above-named existing authorities and state permitting requirements.
- 3) Pyrolysis and gasification operations which do not primarily produce chemicals used to make new marketable products. Such operations could be regulated as waste management units.

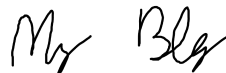
As EPA considers potential future rulemakings involving pyrolysis and gasification, HCPA does not believe pyrolysis and gasification should be regulated under CAA Section 129 as “other solid waste incineration units”. This is because pyrolysis and gasification do not involve combustion or incineration, which the Agency has recognized in previous rulemakings.<sup>3</sup> Additionally, regulating all pyrolysis and gasification units under the CAA Section 129 waste incineration rules would be contrary to the 14 states<sup>4</sup> that have enacted laws which support advanced recycling by regulating pyrolysis and/or gasification as manufacturing facilities and would further complicate permitting and compliance requirements.

HCPA appreciates the opportunity to provide the above comments and would like to reiterate that we support policies which encourage advanced recycling in addition to mechanical recycling of plastic so that HCPA member companies are able to achieve their sustainability targets and reduce the need for virgin material. If the Agency would like to discuss any of these comments, please do not hesitate to contact us at [ngeorges@thehcpa.org](mailto:ngeorges@thehcpa.org) and [mblessing@thehcpa.org](mailto:mblessing@thehcpa.org).

Respectfully submitted,



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<sup>3</sup> Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units Review, 85 Fed. Reg. 54178, published Aug. 31, 2020.

<sup>4</sup> The states which have enacted advanced recycling laws are Arizona, Arkansas, Florida, Georgia, Illinois, Iowa, Louisiana, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia and Wisconsin.