



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

Daniel R. Bushman
Toxics Release Inventory Program Division (7410M)
Office of Pollution Prevention and Toxics
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

December 17, 2021

Re: Designation of HHCB as a Chemical of Special Concern as part of Addition of Certain Chemicals; Community Right-to-Know Toxic Chemical Release Reporting (EPA-HQ-TRI-2017-0434)

Dear Mr. Bushman,

On behalf of the Household & Commercial Products Association¹, we thank you for opportunity to comment on the Addition of Certain Chemicals; Community Right-to-Know Toxic Chemical Release Reporting (EPA-HQ-TRI-2017-0434). In particular, we are concerned with the designation of 1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran (CASRN 1222-05-5) or HHCB as a chemical of special concern with a 100-pound reporting threshold.

It is notable that HHCB was evaluated as part of the Work Plan Chemicals under TSCA in 2014 and is currently under risk evaluation under reformed TSCA, as such considerable information has both been developed by and provided to EPA in support of these activities. This includes the risk evaluation,² the Section 8(d) reporting³ and TSCA fees rule,⁴ all of which provide a wealth of information that does not appear to have been considered as part of the current proposal. At a minimum, the Agency

¹ The Household & Commercial Products Association (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 familiar and trusted consumer products that help household and institutional customers create cleaner and healthier environments. HCPA member companies employ hundreds of thousands of people globally. Products HCPA represents include disinfectants that kill germs in homes, hospitals and restaurants; air fresheners, room deodorizers, and candles that eliminate odors; pest management products for home, lawn and garden, and pets; 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.

² <https://www.regulations.gov/docket/EPA-HQ-OPPT-2018-0430>

³ <https://www.federalregister.gov/documents/2021/06/29/2021-13212/health-and-safety-data-reporting-addition-of-20-high-priority-substances-and-30-organohalogen-flame>

⁴ <https://www.regulations.gov/document/EPA-HQ-OPPT-2016-0401-0072>

should consider the available scientific basis to support, strengthen or modify the determinations proposed within the rule making.

HCPA supports the comments of both the Fragrance Creators Association (FCA) and Fragrance Science and Advocacy Council (FSAC) which have been submitted under separate cover. Many of the members of these associations are fragrance suppliers to the downstream manufacturers, like HCPA members, and are members of HCPA that would be impacted by proposed regulation.

HCPA's comments will focus on the downstream uses or processors that will potentially be impacted by the proposed regulation. HCPA members are familiar with providing right to know information transparently and is an arena that our members have embraced and supported via such activities as the California Cleaning Products Right to Know Act⁵ and the HCPA Consumer Product Ingredients Dictionary.⁶ Additionally, downstream processors will often have multiple fragrance options for their product lines, each possibly with a portion containing HHCB, and obtaining and tracking this information is an everyday activity. However, reporting under the TRI is not an activity that many downstream processors regularly undertake, either because the reporting volume thresholds are much higher than many facilities or because companies choose to deselect ingredients that would impart reporting requirements. With this in mind, we offer the following comments:

HCPA is concerned that the reporting and record keeping burden described in the economic analysis does not fully describe impact upon the potentially impacted parties. It is also perplexing that the economic analysis was completed in 2018 and that additional work EPA has completed or is undertaking under TSCA has not been incorporated. For example, the economic analysis identified eight companies as importers or exporters (Table 2-23)⁷ which the TSCA fees rule from earlier this year identified eleven large and three small manufacturers responsible for fees.⁸ Further, the Economic Analysis notes that "HHCB is one of the most widely used fragrance/odor agent/musk ingredients in a number of consumer products including perfumes, cosmetics, shampoos, lotions, detergents, fabric softeners, and household cleaners" (Table 2-22⁹) which provide a HHCB market snapshot from the European Union (EU) circa 2001. Given that the analysis is nearly 20 years old, from the EU and that many of the identified products are personal care and generally out of the scope of EPA consideration and regulatory authority. HCPA strongly recommends incorporating information gathered as part of the ongoing risk evaluation of HHCB¹⁰ to better describe the market and impacted manufacturers.

⁵ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB258

⁶ <https://www.productingredients.com>

⁷ <https://www.regulations.gov/document/EPA-HQ-TRI-2017-0434-0512>, Table 2-23

⁸ https://www.epa.gov/sites/default/files/2021-06/documents/revise_final_lists_of_manufacturers_-_updated_4-15-2021.pdf

⁹ <https://www.regulations.gov/document/EPA-HQ-TRI-2017-0434-0512>, Table 2-22

¹⁰ <https://www.regulations.gov/search/docket?filter=EPA-HQ-OPPT-2018-0430>

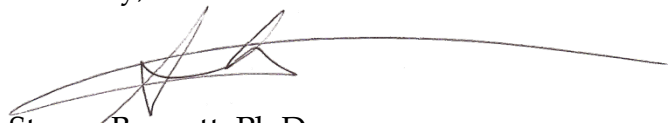
The economic analysis estimates 399 importers, processors and users (Table 2-26¹¹), which in our view is a significant underestimation of the number of impacted entities and a corresponding underestimate of the burden to downstream processors. Based upon a survey conducted by FCA¹² and our understanding of the market, virtually all processors within the Soap, Cleaning Compound, and Toilet Preparation Manufacturing CDR category would likely have a record keeping and reporting requirement under the proposal. Additionally, the economic analysis does not appear to fully account for facilities that manufacture Personal Care Products (for example, NAICS 561910), which are captured in Chemical Data Reporting. The FCA survey estimated over 500 sites and the actual value is likely much higher. In addition, EPA has approved HHCB as an inert ingredient for both nonfood and fragrance uses for pesticidal products under FIFRA,¹³ which is not apparently accounted for within the economic analysis.

For these reasons note above, the Agency is strongly encouraged to update the economic analysis to reflect the current United States market and more accurately depict the burden upon manufacturers and processors.

However, given the breadth of potentially impacted entities, many without current TRI reporting requirements, the Agency is encouraged to supplant the proposed rulemaking with education and outreach opportunities to ensure that stakeholders are aware of their reporting obligations.

For the reasons above, we strongly recommend that EPA do not proceed with the classification of HHCB as a PBT of special concern unless the available scientific information collected is considered along with addressing the concerns raised here. We appreciate the opportunity to provide comment and we appreciate your consideration.

Sincerely,



Steven Bennett, Ph.D.

Executive Vice President, Scientific & Regulatory Affairs
Household & Commercial Products Association

¹¹ <https://www.regulations.gov/document/EPA-HQ-TRI-2017-0434-0512>, Table 2-26

¹² <https://www.regulations.gov/comment/EPA-HQ-OPPT-2018-0430-0043>

¹³ https://ordspub.epa.gov/ords/pesticides/f?p=INERTFINDER:3:::::P3_ID:9322