

*** EO 12866 Review Draft – Deliberative – Do Not Cite, Quote or Release During the Review***

RIN2070-AJ99_EO12866_LCPFAC-SNUR_SNPRM_FRDocument_2019-09-16.docx_v2

Draft document as submitted for review under EO 12866/13563.

BILLING CODE 6560-50-P

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA-HQ-OPPT- 2013-0225; FRL-10003XXXX-XX]

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RIN 2070-AJ99

Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances; Significant New Use Rule; Supplemental Proposal

~~AGENCY:~~ AGENCY: Environmental Protection Agency (EPA).

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~~ACTION:~~ ACTION: Supplemental notice of proposed rulemaking.

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~~SUMMARY:~~ SUMMARY: EPA is supplementing a proposed significant new use rule (SNUR)

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issued under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for long-chain perfluoroalkyl carboxylate (LCPFAC) chemical substances to make inapplicable the exemption for persons who import a subset of LCPFAC chemical substances as part of surface coatings on articles. This subset of LCPFAC chemical substances also includes the salts and precursors of these perfluorinated carboxylates. This supplemental proposal would require importers to notify EPA at least 90 days before commencing the import of these chemical substances in certain articles for the significant new use described in this document. The required significant new use notification would initiate EPA's evaluation of the conditions of use associated with the intended significant new use. Manufacturing (including import) or processing for the significant new use would be prohibited from commencing until EPA has conducted a review of the notice, made an appropriate determination on the notice, and taken such actions as are required in association with that determination. In a January 21, 2015, proposed LCPFAC SNUR, EPA proposed to require notification of significant new uses from persons who import a subset of LCPFAC

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24 ~~chemical substances as part of all articles.~~ This supplemental proposal ~~updates better defines~~
25 ~~narrows~~ the category of articles to which the ~~January 21, 2015,~~ proposed LCPFAC SNUR would
26 ~~apply to those where the subset of LCPFAC chemicals are part of a surface coating.~~ EPA is
27 ~~proposing this action to be responsive to the article consideration provision at section 5(a)(5).~~
28 ~~added with the passage of the Frank R. Lautenberg Chemical Safety for the 21st Century Act,~~
29 ~~which states that articles can be subject to notification requirements as a significant new use~~
30 ~~provided that EPA makes an affirmative finding in a rule that the reasonable potential for~~
31 ~~exposure to a chemical from an article or category of articles justifies notification. The required~~
32 ~~significant new use notification would initiate EPA's evaluation of the conditions of use~~
33 ~~associated with the intended significant new use. Manufacturing (including import) or processing~~
34 ~~for the significant new use would be prohibited from commencing until EPA has conducted a~~
35 ~~review of the notice, made an appropriate determination on the notice, and taken such actions as~~
36 ~~are required in association with that determination:~~

37 ~~DATES: DATES:~~ Comments must be received on or before ~~[insert date 60]~~45 days after date of
38 ~~publication in the Federal Register]. [INSERT DATE 60 DAYS AFTER DATE OF~~
39 ~~PUBLICATION IN THE FEDERAL REGISTER].~~

40 ~~ADDRESSES: ADDRESSES:~~ Submit your comments, identified by docket identification (ID)

41 number EPA-HQ-OPPT-2013-0225, by one of the following methods:

42 • *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions
43 for submitting comments. Do not submit electronically any information you consider to be
44 Confidential Business Information (CBI) or other information whose disclosure is restricted by
45 statute.

46 • *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics

Commented [A7]: Follow-up Comment #4

Commented [A8]: Comment #4
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Commented [A11]: Agency change given new deadline outline in the Defense Authorization Bill: "Not later than June 22, 2020, the Administrator shall take final action on the proposed rule entitled 'Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances; Significant New Use Rule' (80 Fed. Reg. 2885 (January 21, 2015))."

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47 (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., N.W., Washington, DC
48 20460-0001.

49 • *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed
50 information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

51 Additional instructions on commenting or visiting the docket, along with more
52 information about dockets generally, is available at <http://www.epa.gov/dockets>.

53 **FOR FURTHER INFORMATION CONTACT: FOR FURTHER INFORMATION**

54 **CONTACT:** *For technical information contact:* Tyler Lloyd, Chemical Control Division

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55 (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200
56 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 564-4016;
57 email address: lloyd.tyler@epa.gov.

58 *For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South
59 Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-](mailto:TSCA-Hotline@epa.gov)
60 Hotline@epa.gov.

61 **SUPPLEMENTARY INFORMATION:**

62 **I. Executive Summary**

63 *A. Does this Action Apply to Me?*

64 You may be potentially affected by this action if you manufacture (including import),
65 process, or distribute in commerce chemical substances and mixtures. The following list of North
66 American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but
67 rather provides a guide to help readers determine whether this document applies to them.

68 Potentially affected entities may include:

69 • Apparel Manufacturing (NAICS code 315).

- 70 • Electrical Equipment, Appliance, and Component Manufacturing (NAICS code 335).
- 71 • Merchant Wholesalers, Durable Goods (NAICS codes 423).
- 72 • Merchant Wholesalers, Nondurable Goods (NAICS 424).
- 73 • Furniture and Home Furnishings Stores (NAICS codes 442).
- 74 • Electronics and Appliance Stores (NAICS codes 443).
- 75 • Building Material and Garden Equipment and Supplies Dealers (NAICS code 444).
- 76 • Clothing and Clothing Accessories Stores (NAICS code 448).
- 77 • Sporting Goods, Hobby, Musical Instrument, and Book Stores (NAICS code 449).
- 78 • General Merchandise Stores (NAICS code 450).
- 79 • Non-store Retailers (NAICS code 451).

80 This action may affect certain entities through pre-existing import certification and export
81 notification rules under TSCA. Persons who import any chemical substance governed by a final
82 SNUR are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements
83 and the corresponding regulations at 19 CFR 12.118 through 12.127; see also 19 CFR 127.28.
84 Those persons must certify that the shipment of the chemical substance complies with all
85 applicable rules and orders under TSCA, including any SNUR requirements. The EPA policy in
86 support of import certification appears at 40 CFR part 707, subpart B. Additionally, persons who
87 export or intend to export a chemical substance that is the subject of a proposed or final SNUR
88 are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b); see
89 also 40 CFR part 707, subpart D and 40 CFR 721.20). Under the existing TSCA import
90 certification and export notification rules, persons who import a chemical substance covered
91 under this proposed rule as part of an article would be exempt from TSCA section 13 import
92 certification, and persons who export or intend to export a chemical substance as part of an

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93 article would be exempt from the TSCA section 12(b) export notification requirements. See Unit
94 V. for more information on the applicability of the import certification and export notification
95 requirements.

96 If you have any questions regarding the applicability of this action to a particular entity,
97 consult the technical information contact listed under **FOR FURTHER INFORMATION**
98 **CONTACT**.

99 *B. What Is the Agency's Authority for Taking this Action?*

100 TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a
101 chemical substance is a “significant new use.” EPA must make this determination by rule after
102 considering all relevant factors, including those listed in TSCA section 5(a)(2) ~~(see Unit IV, of~~
103 ~~the 2015 proposed rule (Ref. 1)).~~ Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) states that
104 EPA's determination that a use of a chemical substance is a significant new use must be made
105 after consideration of all relevant factors including:

Commented [A15]: Comment #38

- 106 • The projected volume of manufacturing and processing of a chemical substance.
- 107 • The extent to which a use changes the type or form of exposure of human beings or
108 the environment to a chemical substance.
- 109 • The extent to which a use increases the magnitude and duration of exposure of human
110 beings or the environment to a chemical substance.
- 111 • The reasonably anticipated manner and methods of manufacturing, processing,
112 distribution in commerce, and disposal of a chemical substance.

113 In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorizes EPA to
114 consider any other relevant factors. Once EPA determines that a use of a chemical substance is a
115 significant new use, TSCA section 5(a)(1) requires persons to submit a significant new use

Commented [A16]: Follow-up Comment #38

116 notice (SNUN) to EPA at least 90 days before they manufacture (including import) or process
117 the chemical substance for that use (15 U.S.C. 2604(a)(1)(B)(i)). TSCA furthermore prohibits
118 such manufacturing or processing from commencing until EPA has conducted a review of the
119 notice, made an appropriate determination on the notice, and taken such actions as are required
120 in association with that determination (15 U.S.C. 2604(a)(1)(B)(ii)). Additionally, TSCA section
121 5(a)(5) (15 U.S.C. 2604(a)(5)), as amended in 2016, authorizes EPA to require notification for
122 the import or processing of a chemical substance as part of an article or category of articles under
123 TSCA section 5(a)(1) (15 U.S.C. 2604(a)(1)(A)(ii)) if EPA makes an affirmative finding in a
124 rule under TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) that the reasonable potential for
125 exposure to the chemical substance through the article or category of articles subject to the rule
126 justifies notification. This supplemental proposal proposes to exercise EPA's authority under
127 TSCA section 5(a)(5) to require notification for the import of the subject chemical substances as
128 part of the category of articles, articles that contain certain LCPFAC chemical substances as part
129 of a surface coating, discussed in Unit I.C. As described in Unit V., the general SNUR provisions
130 are found at 40 CFR part 721, subpart A.

131 *C. What Action Is the Agency Taking?*

132 In the Federal Register ~~FEDERAL REGISTER~~ of January 21, 2015 (80 FR 2885)
133 (FRL-9915-63) (Ref. 1), EPA proposed a SNUR for long-chain perfluoroalkyl carboxylate
134 (LCPFAC) and perfluoroalkyl sulfonate chemical substances. As stated in the previous proposal,
135 the LCPFAC chemical substances also include the salts and precursors of these perfluorinated
136 carboxylates. In that previously proposed rule, EPA proposed to make the exemption from
137 notification requirements for persons who import ~~or process~~ the chemical substance as part of an
138 article inapplicable for the import of a subset of LCPFAC chemical substances in all articles.

Commented [A17]: Comment #11

Commented [A18]: Comment #12

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Commented [A20]: EPA edit for grammatical error

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Commented [A22R21]: Having read this comment and seeing this change in context, if EPA's main justification for this supplemental is because of what is perceived as a new ability to regulate articles, coming from the Lautenberg 5a5 language, it is very unclear why EPA is only focusing on importers and not processors of articles. The Lautenberg language treats the processors and importers of articles similarly, yet the EPA difference is not explained. If it is not adequately explained, this differential treatment could be challenged by importers as arbitrary.

Please also check the reg text as that does refer to processing.

Commented [A23R21]: EPA appreciates the comment. While the Lautenberg amendments added the language at 5(a)(5), EPA already had and exercised its authority to require notification on imported articles. In the 2015 proposed rule, EPA only proposed to lift the articles exemption for imported articles and not for processors of articles. EPA proposed to only lift the articles exemption for imported articles because EPA believes that the recycling (which is considered processing under TSCA) of articles containing LCPFAC chemical substances is an ongoing use. Ongoing uses cannot be subject to a SNUR.

EPA is now issuing this supplemental based on the language added at 5(a)(5) and is again only proposing to require notification on the import of articles.

The reg text, which refers to lifting the articles exemption is as follows:

With respect to imports of articles, the provisions of § 721.45(f) also do not apply to a chemical substance identified in paragraphs (b)(2) or (b)(3) of this section when they are part of a surface coating of an article. A person who imports a chemical substance identified in paragraph (b)(1) of this section as part of a carpet or who imports a chemical substance identified in paragraphs (b)(2) or (b)(3) of this section as part of a surface coating on an article is not exempt from submitting a significant new use notice. The other provision of § 721.45(f), respecting processing a chemical substance as part of an article, remains applicable.

In the reg text cited above, EPA is lifting the exemption for the import of articles but the exemption for processing remains applicable.

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139 EPA is now issuing a supplemental proposal for the import of certain LCPFAC chemical
140 substances: this action would make the exemption from notification requirements inapplicable
141 and require significant new use notification reporting for the import of a subset of LCPFAC
142 chemical substances only as part of a surface coating on articles. This supplemental proposal
143 better defines the articles subject to the rule by defining the subject articles as “imported articles
144 where certain LCPFAC chemical substances are part of surface coating on the articles” rather
145 than what was originally proposed. “imports of articles.” EPA is issuing this supplemental
146 proposal to be responsive to the article consideration provision at TSCA section 5(a)(5), added
147 with the passage of the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Pub. L.
148 114-182), which states that articles can be subject to notification requirements as a significant
149 new use ~~provided that if the Administrator EPA~~ makes an affirmative finding in a rule that the
150 reasonable potential for exposure to a chemical from an article or category of articles justifies
151 notification. Rather than making the article exemption inapplicable for any article, as was
152 proposed in the January 21, 2015, proposal (Ref. 1), this action proposes to make a finding under
153 TSCA section 5(a)(5) and make the article exemption at 40 CFR 721.45(f) inapplicable for
154 persons importing the category of articles that contain certain LCPFAC chemical substances as
155 part of a surface coating on articles.

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Commented [A25]: Comment #15

Commented [A26]: Comment #18

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156 In the proposed rule issued in the Federal Register ~~FEDERAL REGISTER~~ of January
157 21, 2015 (Ref. 1), EPA also proposed: 1) an amendment to a SNUR for LCPFAC chemical
158 substances by designating as a significant new use manufacturing (including importing) or
159 processing of a subset of LCPFAC chemical substances for any use that was no longer ongoing
160 after December 31, 2015; 2) an amendment to a SNUR for LCPFAC chemical substances by
161 designating as a significant new use manufacturing (including importing) or processing of all

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162 other LCPFAC chemical substances for any use that was no longer ongoing after January 21,
163 2015; and 3) an amendment to a SNUR for perfluoroalkyl sulfonate chemical substances that
164 would make inapplicable the exemption from notification requirements for persons who import
165 perfluoroalkyl sulfonate chemical substances as part of carpets. These other amendments, as
166 proposed on January 21, 2015 (Ref. 1), are not the subject of this supplemental proposal. EPA is
167 considering the comments received on the January 21, 2015, proposal (Ref. 1) and will respond
168 to them with publication of the final rule.

169 During the public comment period for the rule proposed in the **Federal Register**
170 **FEDERAL REGISTER** of January 21, 2015 (Ref. 1), EPA received comments about ongoing
171 uses of LCPFAC and perfluorooctanoic acid (PFOA) chemical substances and requests that EPA
172 modify the proposed SNUR to specifically recognize and exclude from the significant new uses
173 certain ongoing activities. EPA received public comments claiming several ongoing uses. EPA
174 continues to review these claims of ongoing use to understand whether these uses remain
175 ongoing. EPA intends to undertake further outreach to commenters to confirm and better
176 understand the ongoing uses. In the final rule, EPA will recognize and exclude from the
177 significant new uses any ongoing activities for these chemicals. The final rule would take final
178 action on both the previously proposed rule and this supplemental proposal. For further
179 background information for this supplemental proposal, consult the proposal issued in the
180 **Federal Register** **FEDERAL REGISTER** of January 21, 2015 (Ref. 1) and the corresponding
181 docket for this rulemaking (EPA-HQ-OPPT-2013-0225).

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182 This supplemental proposal to the proposed SNUR would require persons who intend to
183 import these LCPFAC chemical substances as part of **a certain surface coating on** articles for a
184 significant new use, consistent with the requirements at 40 CFR 721.25, to notify EPA at least 90

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185 days before commencing such import. This supplemental proposal to the proposed SNUR would
186 furthermore preclude the commencement of import of such articles until EPA has conducted a
187 review of the notice, made an appropriate determination on the notice, and taken such actions as
188 are required in association with that determination. As discussed in the Federal Register Federal
189 Register of April 24, 1990 (55 FR 17376). EPA has decided that the intent of the TSCA section
190 5(a)(1)(B) is best served by designating a use as a significant new use as of the date of
191 publication of the proposed rule rather than as of the effective date of the final rule. This rule was
192 proposed on January 21, 2015. Uses arising after the publication of the proposed rule are
193 distinguished from uses that exist at publication of the proposed rule. The former would be new
194 uses, the latter ongoing uses, except that uses that are ongoing as of the publication of the
195 proposed rule would not be considered ongoing uses if they have ceased by the date of issuance
196 of a final rule.

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Commented [A33]: Comment #3

197 *D. Why Is the Agency Taking this Action?*

198 Enacted on June 22, 2016, the Frank R. Lautenberg Chemical Safety for the 21st Century
199 Act (Pub. L. 114-182) amended several sections of TSCA and added section 5(a)(5), Article
200 Consideration. The Article ConsiderationAs a precondition to authorizing EPA to “require
201 notification under this section for the import or processing of a chemical substance as part of an
202 article or category of articles under paragraph (1)(A)(ii).” this provision requires that EPA
203 affirmatively find in a rule under section 5(a)(2) that the reasonable potential for exposure to a
204 chemical substance through the article or category of articles justifies notification. After
205 considering the reasonable potential for exposure from articles under TSCA section 5(a)(5), EPA
206 is now issuing a supplemental proposal to make inapplicable the exemption for persons who
207 import certain LCPFAC chemical substances when those LCPFAC chemical substances are part

Commented [A34]: Comment #24

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208 of a surface coating on articles.

209 If finalized as proposed, the January 21, 2015, proposed SNUR would require timely
210 advance notice to EPA of any future import of LCPFAC chemical substances for new uses that
211 may produce changes in human and environmental exposures, and would ensure that an
212 appropriate determination (relevant to the risks associated with such importing, processing, and
213 use) has been issued prior to the commencement of such importing. The proposed SNUR is
214 furthermore necessary to ensure that manufacturing (including importing) or processing for the
215 significant new use cannot proceed until EPA has responded to the circumstances by taking the
216 required actions under TSCA sections 5(e) or 5(f) in the event that EPA determines any of the
217 following: (1) that the significant new use presents an unreasonable risk under the conditions of
218 use (without consideration of costs or other non-risk factors, and including an unreasonable risk
219 to a potentially exposed or susceptible subpopulation identified as relevant by EPA); (2) that the
220 information available to EPA is insufficient to permit a reasoned evaluation of the health and
221 environmental effects of the significant new use; (3) that, in the absence of sufficient
222 information, the manufacturing (including importing), processing, distribution in commerce, use,
223 or disposal of the substance, or any combination of such activities, may present an unreasonable
224 risk (without consideration of costs or other non-risk factors, and including an unreasonable risk
225 to a potentially exposed or susceptible subpopulation identified as relevant by EPA); or (4) that
226 there is substantial production and sufficient potential for environmental release or human
227 exposure (as defined in TSCA section 5(a)(3)(B)(ii)(II)).

228 The rationale and objectives for this supplemental proposal are explained in Unit III.

229 *E. What are the Estimated Incremental Impacts of this Action?*

230 EPA has evaluated the potential costs of establishing SNUR reporting requirements for

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231 potential importers of articles containing the chemical substances included in this supplemental
232 proposal when they are part of a surface coating on articles. This analysis (Ref. 2), which is
233 available in the docket, is discussed in Unit IX., and is briefly summarized here.

Commented [A35]: Comment #29

234 In the event that a SNUN is submitted, costs are estimated to be approximately \$23,000
235 per SNUN submission for large business submitters and about \$10,000 for small business
236 submitters. The rule may also affect firms that plan to import or process articles that may be
237 subject to the SNUR. Although there are no specific requirements in the rule for these firms, they
238 may choose to undertake some activity to assure themselves that they are not undertaking a
239 significant new use. In the accompanying Economic Analysis for this SNUR (Ref. 2), EPA
240 provides example steps (and their respective costs) that an importer or processor might take to
241 identify LCFPAC chemical substances in articles. These can include gathering information
242 through agreements with suppliers, declarations through databases or surveys, or use of a third-
243 party certification system. Additionally, importers may require suppliers to provide certificates
244 of testing analysis of the products or perform their own laboratory testing of certain articles. EPA
245 is unable to predict, however, what, if any, particular steps an importer might take; thus, potential
246 total costs were not estimated.

247 *F. Do You Have Comments or Information About Ongoing Uses?*

248 EPA welcomes comment on all aspects of this supplemental proposal. EPA based its
249 understanding of the use profile of these chemicals on the published literature, company progress
250 reports submitted during the 2010/2015 PFOA Stewardship Program, the 2016 CDR
251 submissions, market research, and review of Safety Data Sheets. To confirm EPA's
252 understanding, the Agency is requesting public comment on all aspects of this supplemental
253 proposal. In providing comments on the reasonable potential for exposure to LCPFAC chemical

254 substances in articles, commenters are urged to provide sufficient information for EPA to
255 substantiate any assertions of use and of exposure. Additionally, EPA requests comment on the
256 assumption that article importers that choose to investigate their products will incur costs at the
257 lower end of the ranges presented in the Economic Analysis for this supplemental proposed rule.

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Commented [A37]: Comment #72

258 *G. Additional Considerations for Comment*

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259 EPA also requests comment on whether or not the Agency should affirmatively establish
260 an explicit threshold at which, or explicit criteria for determining whether, a significant new
261 use exhibits a reasonable potential for exposure that justifies notification. While TSCA section
262 5(a)(5) does not establish a specific threshold or specific criteria for making this determination
263 and does not require EPA to affirmatively establish such a threshold or such criteria, EPA may
264 establish a threshold, or criteria, for determining reasonable potential for exposure if appropriate.

Commented [A38]: Note new language and edits from lines 258-337 or so.

Commented [A39R38]: Suggested revisions for section in redline

Commented [A40]: We seek affirmative confirmation from EPA OGC and DOJ that with the language requesting comment in this section, EPA would be able to finalize any of these options (re: (1) a threshold or criteria for reasonable potential for exposure, and (2) a safe harbor) in a final rule while complying with the APA's notice and comment requirements (i.e., the logical outgrowth test would be satisfied).

Commented [A41R40]:

Commented [A42]: From EPA Change #2 on EPA Responses to interagency Comments Received from OMB and SBA by phone 12/19/19

Commented [A43]: General comment – the prior version of this discussion needed to be more robust to ensure that the agency could actually act on the comments, in the final rule, to make changes to the proposal in such a way as to establish such a threshold or criteria.

To this end, some language largely borrowed from another EPA rulemaking is provided below.

Commented [A44R43]: Suggested revisions for section in redline

265 The statutory text allows EPA to determine (1) what is a “reasonable” potential for
266 exposure; (2) what kind of reasonable potential “justifies” notification; and (3) whether, in
267 EPA’s discretion (“may require”), to require notification in a case in which such a reasonable
268 potential exists.

269 EPA seeks comment on whether ~~For example,~~ EPA could adopt a de minimis threshold
270 for determining “reasonable potential for exposure” and if so, how that de minimis threshold
271 could be established. For example, ~~the~~ United States Court of Appeals for the District of
272 Columbia Circuit has recognized that “[u]nless Congress has been extraordinarily rigid, there is
273 likely a basis for an implication of de minimis authority to provide exemption when the burdens
274 of regulation yield a gain of trivial or no value.” *Alabama Power Co. v. Costle*, 636 F.2d 323,
275 360-61 (D.C. Cir. 1980). ~~In this instance, not only has Congress not been rigid, but Congress has~~
276 ~~afforded to EPA considerable discretion in TSCA section 5(a)(5). The statutory text provides that~~

Commented [A45]: This discussion (except for the particular application to section 5(a)(5)) is generally borrowed from EPA’s proposed rule at <https://www.federalregister.gov/documents/2019/08/14/2019-17018/protection-of-stratospheric-ozone-adjustments-to-the-allowance-system-for-controlling-hcfc>

Commented [A46R45]: Suggested revisions for section in redline

277 ~~the EPA Administrator “may require notification under this section for the import or processing~~
278 ~~of a chemical substance as part of an article or category of articles under paragraph (1)(A)(ii) if~~
279 ~~the Administrator makes an affirmative finding in a rule under paragraph (2) that the reasonable~~
280 ~~potential for exposure to the chemical substance through the article or category of articles subject~~
281 ~~to the rule justifies notification.” (Emphasis added.) The statutory language represents the~~
282 ~~opposite of a mandate requiring EPA to require notification for import or processing with respect~~
283 ~~to a chemical substance for which there is any conceivable potential for exposure. Instead of~~
284 ~~providing that EPA “shall” require notification, or that notification is or could be triggered based~~
285 ~~upon “any” potential for exposure, section 5(a)(5) instead provides that EPA “may” require~~
286 ~~notification, and that notification is or could be triggered based upon the “reasonable” potential~~
287 ~~for exposure — which, moreover, must “justify” notification, as determined by EPA. The~~
288 ~~statutory text allows EPA to determine (1) what is a “reasonable” potential for exposure; (2) to~~
289 ~~determine what kind of reasonable potential “justifies” notification; and (3) whether, in EPA’s~~
290 ~~discretion (“may require”), to require notification in a case in which such a reasonable potential~~
291 ~~exists.~~

292 ~~In *Alabama Power*, the Court concluded that “[c]ategorical exemptions from statutory~~
293 ~~commands may . . . be permissible as an exercise of agency power, inherent in most statutory~~
294 ~~schemes, to overlook circumstances that in context may fairly be considered de minimis. It is~~
295 ~~commonplace, of course, that the law does not concern itself with trifling matters, and this~~
296 ~~principle has often found application in the administrative context. Courts should be reluctant to~~
297 ~~apply the literal terms of a statute to mandate pointless expenditures of effort.” 636 F.2d at 360~~
298 ~~(citations omitted). “The ability . . . to exempt de minimis situations from a statutory command is~~
299 ~~not an ability to depart from the statute, but rather a tool to be used in implementing the~~

300 legislative design.” *Id.* Courts have continued to recognize that authority to create de minimis
301 exemptions may be implied where “the burdens of regulation yield a gain of trivial or no value.”
302 *Env’tl. Def. Fund, Inc. v. EPA*, 82 F.3d 451, 466 (D.C. Cir. 1996) (internal quotation marks
303 omitted); *see also, e.g., Ass’n of Admin Law Judges v. FLRA*, 397 F.3d 957, 961-62 (D.C. Cir.
304 2005). ~~In this case, by making notification contingent on the existence of a “reasonable”~~
305 ~~potential for exposure, section 5(a)(5) implies that there is some category of less than reasonable~~
306 ~~potentials for exposure that could not give rise to notification.~~

307 ~~As another alternative, and as an application of the statutory requirements in the~~
308 ~~context of this specific Significant New Use Rule, EPA could set a specific threshold level for~~
309 ~~the content of the LCPFAC below which reporting would not be required (for example, 0.1%~~
310 ~~0.5%, or 1% in percentage of the product composition for example). EPA requests comment both~~
311 ~~on how this threshold level could be determined, and on what such levels might be.~~
312 ~~Establishment of a threshold Such an action could be based on one or more of the following~~
313 ~~rationales: (1) below the selected threshold level, there is no “reasonable potential for exposure”~~
314 ~~within the meaning of section 5(a)(5); because (i.e., the risk of exposure is very low); and (2)~~
315 ~~below the selected threshold level, there is a “reasonable potential for exposure” (or,~~
316 ~~alternatively, there may be such a potential), but the potential does not “justify notification.”~~
317 ~~within the meaning of section 5(a)(5), given that the concomitant (i.e., potential for risk is very~~
318 ~~low in light of considerations of the reasonable potential for exposure being so low, due to the~~
319 ~~low level of LCPFAC present in the surface coating), that notification is not justified when one~~
320 ~~considers the potential for risk. While some studies discussed in Section III show the release of~~
321 ~~LCPFAC from articles, many of those studies were laboratory based and did not represent a~~
322 ~~natural environment. EPA is also interested in considering the reasonable potential for exposure~~

323 in a natural environment that represents typical exposures.

324 ~~Additionally~~As another alternative, Alternatively, EPA could use establish or use specific
325 criteria to determine whether or not the “reasonable potential for exposure” justifies notification.

326 For example, EPA could receive from importers information on the level of For instance, in the
327 context of this particular Significant New Use Rule, these criteria could be linked to aspects such
328 as: the LCPFAC level in the product or; the LCPFAC level in the surface coating, and determine

329 the level is low enough to not meet the “reasonable potential for exposure” notification

330 requirement. EPA notes also that a person’s exposure to LCPFAC could be impacted by :

331 whether or not the article itself is used as a stand-alone product or incorporated into another

332 product, and as such receiving such information could also be of help to the Agency. Another

333 consideration could be that EPA requests information on the (for instance, LCPFAC may be in

334 the surface coating of a chip that is within the motherboard of a computer or printer); and/or the

335 method by which the LCPFAC is incorporated into the surface coating and its whether that

336 method changes the impact on the likelihood of release from the article. EPA seeks comment on

337 the above discussion and on criteria that the Agency could use to determine whether or not the

338 “reasonable potential for exposure” justifies notification. detailed input on these potential

339 criteria, as well as other suggestions for criteria that could be implemented to help ensure that the

340 notification is justified.

341 We invite robust comment on these and other possible thresholds or criteria that could be

342 implemented by EPA in a final rule.

343 ~~Additionally~~ Finally, EPA notes that diverse importers of articles could be affected by

344 this rule, and that some may be unfamiliar with the SNUR process and may not identify at the

345 time of this rulemaking that they have an ongoing use of a LCPFAC. EPA requests comment on

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346 whether or not the Agency should include a safe harbor provision for importers of articles that
347 can demonstrate their use was ongoing prior to the effective date of this rule. EPA is aware,
348 including from comments received on the 2015 proposal, that some importers have knowledge
349 that there may be some LCPFAC and other polyfluoroalkyl substances (PFAS) compounds
350 within an article. However, because these chemistries often occur in complex mixtures, and it is
351 possible that these mixtures change over time, there is not perfect knowledge of which LCPFAC
352 may or may not be in products that are current ongoing uses. EPA requests that commenters
353 provide support either for or against adding a safe harbor provision to this rule, including
354 discussion of the text of section 5(a)(5) and how the discretion granted therein could be exercised
355 to allow for a safe harbor provision. EPA also requests specific language that could be used in
356 structuring such a safe harbor.

Commented [A47]: Suggest EPA provide some examples of safe harbor provisions in other contexts and how could be applied here (similar to legal language added above) and how considered by courts

Commented [A48R47]: Elevated response pending

Commented [A49]: This discussion also should be made more robust.

Commented [A50R49]: Elevated response pending

Commented [A51]: From EPA Responses to interagency Comments Received from OMB and SBA by phone 12/19/19

357 When submitting your comments, keep the following items in mind:

358 I. Submitting CBI, ~~I. Submitting CBI~~. It is EPA's policy to include all comments
359 received in the public docket without change or further notice to the commenter and to make the
360 comments available on-line at www.regulations.gov, including any personal information
361 provided, unless a comment includes information claimed to be CBI or other information whose
362 disclosure is restricted by statute. Do not submit this information to EPA through regulations.gov
363 or e-mail. Clearly mark the part or all of the information that is claimed to be CBI. For CBI
364 information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD
365 ROM as CBI and then identify electronically within the disk or CD ROM the specific
366 information that is claimed as CBI. In addition to one complete version of the comment that
367 includes information claimed as CBI, a copy of the comment that does not contain the
368 information claimed as CBI must be submitted for inclusion in the public docket. Information so

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369 marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2,
370 subpart B.

371 ~~2. Tips for preparing your comments.~~ ~~2. Tips for preparing your comments.~~ When

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372 preparing and submitting your comments, see the commenting tips at

373 <http://www2.epa.gov/dockets/commenting-epa-dockets#tips>.

374 II. Chemical Substances Subject to this Proposed Rule

375 A. What Chemicals Are Covered by this Supplemental Proposal?

376 This supplemental proposal would modify the requirements for a subset of LCPFAC
377 chemical substances at 40 CFR 721.10536 by making the exemption at 40 CFR 721.45(f)
378 inapplicable for persons who import LCPFAC chemical substances listed in Table 1 of this unit
379 and PFOA or its salts (see Table 2 of this unit) as part of an article in which these LCPFAC
380 chemical substances have been applied as part of a surface coating. The subset of LCPFAC
381 chemical substances also includes the salts and precursors of these perfluorinated carboxylates.

382 EPA proposes to make the exemption inapplicable for [import of](#) these articles because there is

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383 reasonable potential for exposure to LCPFAC chemical substances, including PFOA, if these

384 chemical substances are part of surface coatings on articles imported into the United States. [As](#)

385 [proposed in the 2015 SNUR NPRM](#), the article exemption would still apply to LCPFAC

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386 chemical substances not listed in Table 1 or Table 2 of this unit, with the exception of the import

387 of carpets, for which the import exemption is already inapplicable (78 FR 62443; October 22,

388 2013) (FRL-9397-1). The other provision of 40 CFR 721.45(f), respecting processing a chemical

389 substance as part of an article, remains applicable.

390 Table 1—LCPFAC Chemical Substances Subject to Reporting

Commented [A56]: EPA typesetting ed of Table 1 (change to font 12pt and single space)

Chemical Name	CAS Registry No. (CASRN)	EPA Accession	TSCA Chemical Inventory Name
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*** EO 12866 Review Draft – Deliberative – Do Not Cite, Quote or Release During the Review***

		No.	
Perfluorooctyl-iodide	507-63-1	N/A	Octane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8- heptadecafluoro-8-iodo-
Tetrahydroperfluoro-1-decanol	678-39-7	N/A	1-Decanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10, 10-heptadecafluoro-
Perfluoro-1-dodecanol	865-86-1	N/A	1-Dodecanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10, 11,11,12,12,12-heneicosafuoro-
Perfluorodecyl iodide	2043-53-0	N/A	Decane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8- heptadecafluoro-10-iodo-
1,1,2,2-Tetrahydroperfluorododecyl iodide	2043-54-1	N/A	Dodecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9 ,9,10,10-heneicosafuoro-12- iodo-
Perfluorodecylethyl acrylate	17741-60-5	N/A	2-Propenoic acid, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10, 11,11,12,12,12- heneicosafuorododecyl ester
1,1,2,2-Tetrahydroperfluorodecyl acrylate	27905-45-9	N/A	2-Propenoic acid, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10, 10-heptadecafluorodecyl ester
1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12-Pentacosafuoro-14-iodotetradecane	30046-31-2	N/A	Tetradecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9 ,9,10,10,11,11,12,12- pentacosafuoro-14-iodo-
3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-Pentacosafuorotetradecan-1-ol	39239-77-5	N/A	1-Tetradecanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10, 11,11,12,12,13,13,14,14,14- pentacosafuoro-
3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,16-Nonacosafuorohexadecan-1-ol	60699-51-6	N/A	1-Hexadecanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10, 11,11,12,12,13,13,14,14,15,15,1 6,16,16-nonacosafuoro-
1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14-Nonacosafuoro-16-iodohexadecane	65510-55-6	N/A	Hexadecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9 ,9,10,10,11,11,12,12,13,13,14,14 -nonacosafuoro-16-iodo-
Sodium;2-methylpropane-1-sulfonate	68187-47-3	N/A	1-Propanesulfonic acid, 2- methyl-, 2-[[[1-oxo-3-[(gamma.- omega.-perfluoro- C4-16- alkyl)thio]propyl]amino] deriv.,

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			sodium salts
1,1,2,2-Tetrahydroperfluoroalkyl (C8-C14) alcohol	68391-08-2	N/A	Alcohols, C8-14, .gamma-.omega.-perfluoro
Thiols, C8-20, gamma-omega-perfluoro, telomers with acrylamide	70969-47-0	N/A	Thiols, C8-20, .gamma-.omega.-perfluoro, telomers with acrylamide
Silicic acid (H ₄ SiO ₄), sodium salt (1:2), reaction products with chlorotrimethylsilane and 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluoro-1-decanol	125476-71-3	N/A	Silicic acid (H ₄ SiO ₄), sodium salt (1:2), reaction products with chlorotrimethylsilane and 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluoro-1-decanol
Thiols, C4-20, gamma-omega-perfluoro, telomers with acrylamide and acrylic acid, sodium salts	1078712-88-5	N/A	Thiols, C4-20, .gamma-.omega.-perfluoro, telomers with acrylamide and acrylic acid, sodium salts
1-Propanaminium, 3-amino-N-(carboxymethyl)-N,N-dimethyl-, N-(2-((gamma-omega-perfluoro-C4-20-alkyl)thio)acetyl) derivs., inner salts	1078715-61-3	N/A	1-Propanaminium, 3-amino-N-(carboxymethyl)-N,N-dimethyl-, N-[2-[(.gamma-.omega.-perfluoro-C4-20-alkyl)thio]acetyl] derivs., inner salts
Polyfluoroalkyl betaine (generic)	CBI	71217	Polyfluoroalkyl betaine (PROVISIONAL)
Modified fluoroalkyl urethane (generic)	CBI	89419	Modified fluoroalkyl urethane (PROVISIONAL)
Perfluorinated polyamine (generic)	CBI	274147	Perfluorinated polyamine (PROVISIONAL)

391

392 **Table 1—LCPFAC Chemical Substances Subject to Reporting**

Chemical Name	CAS Registry No. (CASRN)	EPA Accession No.	TSCA Chemical Inventory Name
Perfluorooctyl iodide	507-63-1	N/A	Octane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8-heptadecafluoro-8-iodo-
Tetrahydroperfluoro-1-decanol	678-39-7	N/A	1-Decanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluoro-
Perfluoro-1-dodecanol	865-86-1	N/A	1-Dodecanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,

Chemical Name	CAS Registry No. (CASRN)	EPA Accession No.	TSCA Chemical Inventory Name
Perfluorodecyl iodide	2043-53-0	N/A	12,12,12-heneicosafuoro- Decane; 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8- heptadecafluoro-10-iodo-
1,1,2,2- Tetrahydroperfluorododecyl iodide	2043-54-1	N/A	Dodecane; 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10, 10-heneicosafuoro-12-iodo-
Perfluorodecylethyl acrylate	17741-60-5	N/A	2-Propenoic acid; 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11, 12,12,12-heneicosafuorododecyl ester
1,1,2,2- Tetrahydroperfluorodecyl acrylate	27905-45-9	N/A	2-Propenoic acid; 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10- heptadecafluorodecyl ester
1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8, 9,9,10,10,11,11,12,12- Pentacosafuoro-14- iodotetradecane	30046-31-2	N/A	Tetradecane; 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,1 0,11,11,12,12-pentacosafuoro-14-iodo-
3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10, 11,11,12,12,13,13,14,14,14- Pentacosafuorotetradecan-1-ol	39239-77-5	N/A	1-Tetradecanol; 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,1 2,12,13,13,14,14,14-pentacosafuoro-
3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10, 11,11,12,12,13,13,14,14,15,15, 16,16,16- Nonacosafuorohexadecan-1-ol	60699-51-6	N/A	1-Hexadecanol; 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,1 2,12,13,13,14,14,15,15,16,16,16- nonacosafuoro-
1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8, 9,9,10,10,11,11,12,12,13,13,14, 14-Nonacosafuoro-16- iodohexadecane	65510-55-6	N/A	Hexadecane; 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,1 0,11,11,12,12,13,13,14,14- nonacosafuoro-16-iodo-
Sodium;2-methylpropane-1- sulfonate	68187-47-3	N/A	1-Propanesulfonic acid, 2-methyl-, 2- [[1-oxo-3-[(gamma-omega-perfluoro- C4-16-alkyl)thio]propyl]amino]-deriv., sodium salts
1,1,2,2- Tetrahydroperfluoroalkyl (C8- C14) alcohol	68391-08-2	N/A	Alcohols, C8-14, gamma-omega- perfluoro
Thiols, C8-20, gamma-omega- perfluoro, telomers with acrylamide	70969-47-0	N/A	Thiols, C8-20, gamma-omega- perfluoro, telomers with acrylamide
Silicic acid (H4SiO4), sodium salt (1:2), reaction products with chlorotrimethylsilane and 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10	125476-71-3	N/A	Silicic acid (H4SiO4), sodium salt (1:2); reaction products with chlorotrimethylsilane and 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-

Chemical Name	CAS Registry No. (CASRN)	EPA Accession No.	TSCA Chemical Inventory Name
1,10-heptafluoro-1-decanol			heptafluoro-1-decanol
Thiols, C4-20, gamma-omega-perfluoro, telomers with acrylamide and acrylic acid, sodium salts)	1078712-88-5	N/A	Thiols, C4-20, gamma-omega-perfluoro, telomers with acrylamide and acrylic acid, sodium salts
1-Propanaminium, 3-amino-N-(carboxymethyl)-N,N-dimethyl-, N-(2-((gamma-omega-perfluoro-C4-20-alkyl)thio)acetyl) derivs., inner salts	1078715-61-3	N/A	1-Propanaminium, 3-amino-N-(carboxymethyl)-N,N-dimethyl-, N-[2-[(gamma-omega-perfluoro-C4-20-alkyl)thio]acetyl] derivs., inner salts
Polyfluoroalkyl betaine (generic)	CBI	71217	Polyfluoroalkyl betaine (PROVISIONAL)
Modified fluoroalkyl urethane (generic)	CBI	89419	Modified fluoroalkyl urethane (PROVISIONAL)
Perfluorinated polyamine (generic)	CBI	274147	Perfluorinated polyamine (PROVISIONAL)

393

394 The term LCPFAC refers to the long-chain category of perfluoroalkyl carboxylate
 395 chemical substances with perfluorinated carbon chain lengths equal to or greater than seven
 396 carbons and less than or equal to 20 carbons. The category of LCPFAC chemical substances also
 397 includes the salts and precursors of these perfluorinated carboxylates. See Unit II.A. of the
 398 proposed rule (Ref. 1) for further discussion of the LCPFAC category. [In addition to the subset](#)
 399 [of LCPFAC chemical substances identified in Table 1](#), PFOA and its salts would be subject to

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400 the proposal. PFOA and its salts are considered LCPFAC chemical substances. PFOA and
 401 examples of PFOA salts with CASRNs and chemical names are shown in Table 2 of this unit.

402 **Table 2—PFOA and Examples of Its Salts**

Commented [A58]: EPA typesetting ed of Table 2 (change to font 12pt and single space)

Chemical Name	CAS Registry No. (CASRN)	TSCA Chemical Inventory Name
Pentafluorooctanoyl fluoride	335-66-0	Octanoyl fluoride, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentafluoro-

Perfluorooctanoic acid	335-67-1	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro- (PFOA)
Silver perfluorooctanoate	335-93-3	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, silver (+) salt (1:1)
Sodium perfluorooctanoate	335-95-5	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, sodium salt (1:1)
Potassium perfluorooctanoate	2395-00-8	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, potassium salt (1:1)
Ammonium perfluorooctanoate	3825-26-1	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, ammonium salt (1:1) (APFO)

403 **Table 2—PFOA and Examples of Its Salts**

Chemical Name	CAS Registry No. (CASRN)	TSCA Chemical Inventory Name
Pentadecafluorooctanoyl fluoride	335-66-0	Octanoyl fluoride, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-
Perfluorooctanoic acid	335-67-1	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro- (PFOA)
Silver perfluorooctanoate	335-93-3	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, silver (+) salt (1:1)
Sodium perfluorooctanoate	335-95-5	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, sodium salt (1:1)
Potassium perfluorooctanoate	2395-00-8	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, potassium salt (1:1)
Ammonium perfluorooctanoate	3825-26-1	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, ammonium salt (1:1) (APFO)

404

405 *B. What Are the Uses and Production Volumes of LCPFAC Chemical Substances?*

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406 PFOA, a member of the LCPFAC category, is a synthetic (man-made) chemical that does
 407 not occur naturally in the environment. The ammonium salt of PFOA was manufactured in U.S.
 408 for use primarily as an aqueous dispersion agent in the manufacture of fluoropolymers. Chemical
 409 Data Reporting (CDR) rule requires manufacturers (including importers) to report for PFOA if
 410 they meet 2,500 pounds lbs production volume threshold at a single site. The last time PFOA
 411 manufacture was reported to EPA as part of this collection effort was for the 2016 reporting

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412 period. PFOA can also be ~~produced~~ created unintentionally by the degradation of some
413 fluorotelomers, which are not manufactured using PFOA but could degrade to PFOA.
414 Fluorotelomers are used to make polymers that impart soil, stain, grease, and water resistance to
415 coated articles. Some fluorotelomer based products are also used as high-performance surfactants
416 in products where an even flow is essential, such as paints, coatings, cleaning products, and fire-
417 fighting foams for use on liquid fuel fires (Ref. 3).

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418 Through the 2010/2015 PFOA Stewardship Program, a voluntary risk reduction program,
419 eight major manufacturers and processors of LCPFAC chemical substances committed to
420 voluntarily work toward a phase-out of LCPFAC chemical substances (Ref. 4). All participating
421 companies have met the PFOA Stewardship Program goals and have ceased the manufacture
422 (including import) of the chemical substances listed in Tables 1 and 2 of this unit. As such, the
423 reduced supply of long-chain perfluorinated chemicals has led industries to transition to
424 replacement chemical substances for many uses, as noted in both public comments and industry
425 communication. However, there are still a number of ongoing uses of these chemical substances
426 by companies not participating in the PFOA Stewardship Program. EPA became aware of these
427 uses through public comments identifying several ongoing uses. In the final rule, EPA will
428 recognize and exclude from the significant new uses any confirmed ongoing activities for these
429 chemicals. Ongoing uses identified by EPA are not significant new uses of LCPFAC chemical
430 substances and therefore would not be subject to this rule and would not require a significant
431 new use notice submission to the Agency.

432 The accompanying economic analysis for this supplemental proposed rule (Ref. 2) details
433 which chemicals listed in Tables 1 and 2 of this unit were reported under the CDR rule (40 CFR
434 711) as manufactured (including imported) for 2015, the final year of the Stewardship Program

412 period. PFOA can also be ~~produced~~ created unintentionally by the degradation of some
413 fluorotelomers, which are not manufactured using PFOA but could degrade to PFOA.
414 Fluorotelomers are used to make polymers that impart soil, stain, grease, and water resistance to
415 coated articles. Some fluorotelomer based products are also used as high-performance surfactants
416 in products where an even flow is essential, such as paints, coatings, cleaning products, and fire-
417 fighting foams for use on liquid fuel fires (Ref. 3).

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419 eight major manufacturers and processors of LCPFAC chemical substances committed to
420 voluntarily work toward a phase-out of LCPFAC chemical substances (Ref. 4). All participating
421 companies have met the PFOA Stewardship Program goals and have ceased the manufacture
422 (including import) of the chemical substances listed in Tables 1 and 2 of this unit. As such, the
423 reduced supply of long-chain perfluorinated chemicals has led industries to transition to
424 replacement chemical substances for many uses, as noted in both public comments and industry
425 communication. However, there are still a number of ongoing uses of these chemical substances
426 by companies not participating in the PFOA Stewardship Program. EPA became aware of these
427 uses through public comments identifying several ongoing uses. In the final rule, EPA will
428 recognize and exclude from the significant new uses any confirmed ongoing activities for these
429 chemicals. Ongoing uses identified by EPA are not significant new uses of LCPFAC chemical
430 substances and therefore would not be subject to this rule and would not require a significant
431 new use notice submission to the Agency.

432 The accompanying economic analysis for this supplemental proposed rule (Ref. 2) details
433 which chemicals listed in Tables 1 and 2 of this unit were reported under the CDR rule (40 CFR
434 711) as manufactured (including imported) for 2015, the final year of the Stewardship Program

435 (see Exhibits 2-1, 2-2, and 2-3 of the Economic Analysis). The production volumes have been
436 withheld to protect confidential business information.

437 C. What Are the Potential Health Effects of LCPFAC Chemical Substances?

438 ~~To date, PFOA has LCPFACs have been linked to a number of health effects, including~~
439 ~~thyroid disease and impacts on reproductive function (Refs. 5 and 6). PFOA and its salts, which~~
440 ~~are considered LCPFAC chemical substances, have been the primary focus of studies related to~~
441 ~~LCPFAC class of chemical substances.~~ PFOA is persistent, widely present in humans and the
442 environment, has a half-life in humans of 2.3-3.8 years, and can cause adverse effects in
443 laboratory animals, including cancer and developmental and systemic toxicity (Refs. 3, ~~5-7, 6-8,~~
444 ~~7-9, and 8-10~~). Human epidemiology data report associations between PFOA exposure and high
445 cholesterol, increased liver enzymes, decreased vaccination response, thyroid disorders,
446 pregnancy-induced hypertension and preeclampsia, and cancer (testicular and kidney) (Ref. ~~9~~
447 ~~11~~).

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Commented [A61]: This is confusing as the reference is for just PFOA yet the sentence suggests all LCPFAC are 'linked' to these health effects. This simply is not true. Suggest deleting this sentence as below references are more specific to PFOA and don't make broad vague statements (eg what does linked mean to a scientist?) the effect is also captured below with reference 11 which is a more robust EPA document

Commented [A62R61]: EPA appreciates the comment. Rather than remove these references, EPA will amend the sentence to reflect that the references pertain to PFOA

Commented [A63]: Comment #33
Refs X and Y

Commented [A64]: EPA typesetting ed

448 III. Rationale and Objectives

449 A. Rationale

450 This supplemental proposal presents the basis for the reasonable potential for exposure to
451 LCPFAC chemical substances from this category of articles for purposes of TSCA section
452 5(a)(5). LCPFAC chemical substances have been found in the blood of the general human
453 population, as well as in wildlife, indicating that exposure to these chemical substances is
454 widespread (Ref. 3, ~~10-12, 11-13~~). Multiple pathways of exposure, including through drinking
455 water, food (~~fish~~), ~~migration from food packaging paper products~~, house dust, and release from
456 treated articles are possible (Ref. ~~12-14~~).

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Commented [A66]: Comment #37

457 In the absence of a regulation, manufacture or processing for the significant new uses

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458 proposed on January 21, 2015 (Ref. 1), may begin at any time, without prior notice to EPA. As
459 explained in the January 21, 2015, proposal (Ref. 1), EPA is concerned that commencement of
460 the manufacture (including import) or processing for any new uses, including resumption of past
461 uses, of LCPFAC chemical substances could increase the magnitude and duration of exposure to
462 humans.

463 Consistent with EPA's past practice for issuing SNURs under TSCA section 5(a)(2),
464 EPA's decision to propose a SNUR for a particular chemical is not based on an extensive
465 evaluation of the hazard, exposure, or potential risk associated with that use. Rather, the
466 existence of a SNUR requires a notice, upon receipt of which EPA would conduct an assessment.
467 If a person decides to begin importing any of these chemicals for a significant new use, the
468 notice to EPA allows the Agency to evaluate the use according to the specific parameters and
469 circumstances surrounding the conditions of use.

470 In most cases, LCPFAC chemical substances are not incorporated into the article and
471 bound to the article matrix but are rather added or applied as a coating or as part of coating aid.
472 Surface coatings are subject to mechanical and/or chemical or photolytic stress, which can lead
473 to degradation of the coating layer, depending on the circumstances (e.g. depending upon the
474 stressor and the type of coating matrix). As an unbound, unincorporated component of a surface
475 coating (Refs. 15 and 16), LCPFAC chemical substances can thereby be released from the
476 coating as a result of this degradation of the coating layer. Additionally, because LCPFAC
477 chemical substances used in this category of articles are coating the surface, if the underlying
478 substrate of the article is degraded and released, the LCPFAC surface coating could be released
479 at the same time.

480 Rather than making the article exemption inapplicable for any article, as was proposed in

Commented [A67]: Comment #46

Commented [A68]: Comment #40

Commented [A69]: Comment #41

Refs. Q and R

481 the January 21, 2015, proposal (Ref. 1), this action proposes to make a finding under TSCA
482 section 5(a)(5) and make the article exemption at 40 CFR 721.45(f) inapplicable for persons
483 importing ~~or processing~~ the category of articles that contain certain LCPFAC chemical
484 substances as part of a surface coating ~~for a non-ongoing use on articles~~. EPA defines “articles
485 where certain LCPFAC chemical substances are part of surface coating on articles” as the
486 category of articles subject to this rule, based on the reasonable potential for exposure as shown
487 through research on LCPFAC chemical substances. This category of articles is expected to
488 exhibit reasonable potential for exposure to LCPFAC chemical substances, as elaborated herein.
489 [EPA is not making a finding on the reasonable potential for exposure from articles that do not](#)
490 [contain LCPFAC chemical substances as a surface coating.](#)

Commented [A70]: Comment #43

Commented [A71]: Comment #10

Commented [A72]: Comment #35

491 [i. Reasonable potential for exposure of LCPFAC from surface coatings.](#)

492 ~~i. Reasonable potential for exposure of LCPFAC from surface coatings.~~

Commented [A73]: EPA typesetting ed

493 A coating is a material applied in a thin layer to a surface as a protective, decorative, or
494 functional film. This term often refers to paints such as lacquers or enamels, but also refers to
495 films applied to other materials including, but are not limited to, paints, varnishes, sealants,
496 adhesives, inks, maskants, and temporary protective coatings. LCPFAC chemical substances
497 have been used in surface coatings for numerous applications given their hydrophobic and
498 lipophobic properties. Examples of LCPFAC coating applications in articles are stain- and water-
499 repellent fabrics and nonstick products (e.g., coatings for cookware) (Ref. 3).

Commented [A74]: Comment #48

500 The release of LCPFAC chemical substances from coatings on articles has been well-
501 documented in the scientific literature. LCPFAC chemical substances can be released
502 continuously over years from treated jackets, furniture, and carpets into the air due to
503 volatilization (Refs. [13-17](#), [14-18](#), and [15-19](#)) and due to degradation of commercial LCPFAC

504 coatings by simple abiotic reaction with water (Ref. 16-20). ~~Research on non-stick coatings on~~
505 ~~cookware and food contact paper (e.g., popcorn bags) has shown LCPFACs to be released into~~
506 ~~the gas phase under normal cooking temperatures (Ref. 17-21). A 2017 study showed that per-~~
507 ~~and polyfluoroalkyl substances (PFAS) (including long-chain fluorotelomer alcohols) in grease-~~
508 ~~resistant food packaging can leach into food stated that per- and polyfluoroalkyl substances~~
509 ~~(PFAS) “in grease-resistant food packaging can leach into food and increase dietary exposure~~
510 ~~(Ref. 18-22).” While food contact products are regulated under the Federal Food, Drug and~~
511 ~~Cosmetic Act and not TSCA, (Ref. 18).” Similarly, PFAS can could potentially be released from~~
512 ~~other similar packaging with PFAS coating that would be subject to TSCA.~~ Stone and tile
513 sealants have been shown to contain extractable amounts of LCPFAC chemical substances and,
514 for homes without carpeting, ~~are a potentially important could be an~~ indoor source of these
515 chemical substances (Ref. 19-23,21).

516 Given the reasonable potential for exposure to LCPFAC chemical substances from
517 articles that have LCPFAC chemical substances as part of a surface coating, EPA is proposing to
518 require notification for the import of articles that have LCPFAC chemical substances as part of a
519 surface coating. ~~As noted in Section 1F, EPA is also seeking robust comment on implementing a~~
520 ~~de minimis threshold, an alternative threshold, or other criteria to assist in determining whether~~
521 ~~the reasonable potential for exposure justifies notification to EPA. EPA is also seeking comment~~
522 ~~on a safe harbor provision.~~

523 Articles that could potentially have LCPFAC chemical substances as part of a surface
524 coating include, but are not limited to: furniture, medical garments, safety equipment, outdoor
525 apparel or equipment, automobile components, aerospace components, electronics, heavy
526 machinery, and household appliances. ~~EPA cites these studies (Refs. 17, 18, 19, 20, and 21) to~~

Commented [A75]: Follow-up Comment #49

Commented [A76]: Comment #49, #54, #53

Commented [A77]: Comment #53

Commented [A78]: EPA response 55 is clear that there is no data to suggest releases from stone in a normal home environment. As such this language is misleading as there is nothing to suggest a potentially important exposure. Extraction of LCPFAC from stone in a laboratory does not tell us anything about meaningful home exposures.

Commented [A79R78]: EPA accepts the edit

Commented [A80]: Follow-up citation change

Commented [A81]: Note new text

Commented [A82R81]: EPA accepts the added language

Commented [A83]: Follow-up comment #45 (one of two)

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Commented [A85]: (Refs. 13, 14, 15, 16, and 17) in EPA response 2 document

527 support the Agency's conclusion that there is reasonable potential for exposure from the category
528 of articles that contain certain LCPFAC chemical substances as part of a surface coating.

529 ~~ii. Proposed finding. ii. Proposed finding.~~

Commented [A86]: EPA typesetting ed

530 Based on these considerations, EPA is proposing to make the TSCA section 5(a)(5)
531 finding and make inapplicable the exemption at 40 CFR 721.45(f) for persons who import or

532 process any of a defined set of LCPFAC chemical substances as part of an article where

Commented [A87]: Comment #10, #7

533 LCPFAC chemical substances have been applied as part of a surface coating for a non-ongoing
534 use. The defined subset are the chemical substances phased out through the 2010/2015 PFOA
535 Stewardship Program, shown in Table 1 and Table 2 of Unit II.

536 The article exemption at 40 CFR 721.45(f) is based on an assumption that people and the
537 environment will generally not be exposed to chemical substances in articles (Ref. 20-24-22).

538 However, even when added to the surface coating of an article, LCPFAC can be released over

Commented [A88]: Comment #61, #66

539 time with use (Refs. 3 and 16-20). Studies on the degradation of fluorotelomer-based polymers

Commented [A89]: Comment #58

540 show that these polymers are subject to hydrolysis, photolysis and biodegradation, with half-lives

541 of a few days to hundreds of years (Ref. 23). In addition, research by EPA on degradation of

542 fluorotelomers and fluoropolymers has shown that some urethanes and acrylates biodegrade;

543 however, half-lives and kinetics are not yet well-defined (Ref. 16). These studies have shown

544 that the perfluorinated portion of some polymers is released as the polymer is degraded by

545 microbial or abiotic processes to form telomer alcohols or other intermediates and that they

546 eventually form LCPFAC. Based on this understanding, upon receipt of a SNUN, EPA intends to

Commented [A90]: Follow-up Comment #58

547 evaluate the potential risk of exposure to human health and the environment for any intended

548 significant new use of LCPFAC chemical substances (including as part of a surface coating of an

549 article).

Commented [A91]: Comment #61 #62, #66

550 Given that the release of LCPFAC chemical substances from surface coatings on articles
551 has been ~~researched and confirmed~~ shown to occur and that these releases can ~~reasonably~~ be
552 expected to result in exposure to the users of articles, EPA has reason to anticipate that importing
553 ~~or processing~~ articles that have certain LCPFAC chemical substances as part of a surface coating
554 would create the potential for exposure to these LCPFAC chemical substances, and that EPA
555 should have an opportunity to review the intended use before such use could occur. Therefore,
556 EPA affirmatively finds under TSCA section 5(a)(5) that notification for import is justified by
557 the reasonable potential for exposure to certain LCPFAC chemical substances when part of
558 surface coatings for the articles identified in this SNUR. Existence of the SNUR triggers the
559 submission of a SNUN, thereby allowing EPA to evaluate potential uses (before those uses
560 would begin) whether in the form of an article, or not, for any hazards, exposures and risks that
561 might exist before those uses would begin.

Commented [A92]: Comment #63

Commented [A93]: Suggest deletion as many of the example es (extraction, digestion) are not real world exposures We are allowing EPA to maintain the reasonable potential for exposure language but its not clear the data support this sentence which refers to day to day use.

Commented [A94R93]: EPA accepts the edit

Commented [A95]: Comment #10, #7

Commented [A96]: Comment #10

Commented [A97]: Comment #10

562 A person who imports any of the chemical substances identified in this supplemental
563 proposed SNUR for a significant new use as part of a surface coating on an article would be
564 subject to the significant new use notification requirements. No person would be able to begin
565 importing, as part of a surface coating for an article, any of the LCPFAC chemical substances
566 identified in this supplemental proposed SNUR, for a significant new use without first submitting
567 a SNUN to EPA.

568 *B. Objectives*

569 Based on the considerations in Unit III.A., EPA wants to achieve the following objectives
570 with regard to the significant new uses of LCPFAC chemical substances that are designated in
571 the January 21, 2015, proposal (Ref. 1), including the articles identified in this supplemental
572 proposal:

573 1. EPA would receive notice of any person’s intent to import the chemical substances for
574 the described significant new use before that activity begins.

575 2. EPA would have an opportunity to review and evaluate data submitted in a
576 SNUN before the notice submitter begins importing the chemical substances for the described
577 significant new use.

578 3. EPA would be able to either determine that the significant new use is not likely to
579 present an unreasonable risk, or to take necessary regulatory action associated with any other
580 determination, before the described significant new use of the chemical substance occurs.

581 IV. Economic Analysis

582 A. SNUNs

583 EPA has evaluated the potential costs of establishing SNUR reporting requirements for
584 potential importers of the chemical substance included in this supplemental proposal [in surface](#)
585 [coatings of articles](#) (Ref. 2). In the event that a SNUN is submitted, average costs are estimated
586 at approximately \$23,000 per SNUN submission for large business submitters and about \$10,000
587 for small business submitters. These estimates include the cost to prepare and submit the SNUN
588 (averaging about \$7,300), and the payment of a user fee. Businesses that submit a SNUN would
589 be subject to either a \$16,000 user fee required by 40 CFR 700.45(c)(2)(ii), or, if they are a small
590 business, a reduced user fee of \$2,800 (40 CFR 700.45(c)(1)(ii)). Businesses that submit a
591 SNUN are also estimated to incur average costs of \$63 for rule familiarization. First time
592 submitters will incur an average cost of \$123 for CDX registration and associated activities.

593 Companies ~~manufacturing, importing, or processing asbestos or~~ articles containing ~~asbestos~~
594 [LCPFAC chemical substances as part of a surface coating](#) will incur an average cost of \$79 for
595 notifying their customers of SNUR regulatory activities. EPA’s complete economic analysis is

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Commented [A99]: Comment #70

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596 available in the public docket for this rule (Ref. 2).

597 In making inapplicable the exemption relating to persons who import certain chemical

598 substances as part of the surface coating of an article, this action may affect firms that plan to

Commented [A100]: Comment #67

599 import or process types of articles that may contain the subject chemical substance in a surface

600 coating. similar articles that while not containing the chemical substances included in this

Commented [A101]: Follow-up Comment #68
@@@

601 SNUR, may appear to. This is because while some firms have an understanding of the contents

Commented [A102]: Comment #68

602 of the articles they import or process other firms do not. EPA acknowledges that importers and

603 processors of articles may have varying levels of knowledge about the chemical content of the

604 articles that they import or process. These parties may need to become familiar with the

605 requirements of the rule. And while not required by the SNUR, these parties may take additional

606 steps to determine whether the subject chemical substances are part of the articles that they are

607 considering for import or processing. This determination may involve activities such as gathering

608 information from suppliers along the supply chain, and/or testing samples of the article itself.

609 Costs vary across the activities chosen and the extent of familiarity a firm has regarding the

610 articles it imports or processes. Cost ranges are presented in Understanding the Costs Associated

611 with Eliminating Exemptions for Articles in SNURs (Ref. [21-25 24](#)). Based on available

612 information, EPA believes that article importers or processors that choose to investigate their

613 products would incur costs at the lower end of the ranges presented in the Economic Analysis.

614 For those companies choosing to undertake actions to assess the composition of the articles they

615 import or process, EPA expects that importers would take actions that are commensurate with

616 the company's perceived likelihood that a chemical substance might be a part of an article for the

617 significant new uses identified in Units II. and III., and the resources it has available. Example

618 activities and their costs are provided in the accompanying Economic Analysis of this

619 supplemental proposal (Ref. 2).

620 *B. Export Notification*

621 Under TSCA section 12(b) and the implementing regulations at 40 CFR part 707, subpart
622 D, exporters must notify EPA if they export or intend to export a chemical substance or mixture
623 for which, among other things, a rule has been proposed or promulgated under TSCA section 5.
624 For persons exporting a substance that is the subject of a SNUR, a one-time notice to EPA must
625 be provided for the first export or intended export to a particular country. The total costs of
626 export notification will vary by chemical, depending on the number of required notifications
627 (i.e., the number of countries to which the chemical is exported).

628 **V. Scientific Standards, Evidence, and Available Information**

629 EPA has used scientific information, technical procedures, measures, methods, protocols,
630 methodologies, and models consistent with the best available science, as applicable. These
631 information sources supply information relevant to whether a particular use would be a
632 significant new use, based on relevant factors including those listed under TSCA section 5(a)(2).
633 Consistent with EPA's past practice for issuing SNURs under TSCA section 5(a)(2), EPA's
634 decision to promulgate a SNUR for a particular chemical use need not be based on an extensive
635 evaluation of the hazard, exposure, or potential risk associated with that use; as such, the January
636 2015 proposed rule (Ref. 1) and this supplemental proposal are not based on an evaluation of
637 expected risks.

638 The clarity and completeness of the data, assumptions, methods, quality assurance, and
639 analyses employed in EPA's decision are documented, as applicable and to the extent necessary
640 for purposes of the January 2015 proposed rule and this supplemental proposal, in Unit II. and in
641 the references cited throughout the two preambles. Considering the extent to which the various

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642 information, procedures, measures, methods, protocols, methodologies or models used in EPA's
643 decision have been subject to independent verification or peer review, EPA believes that their
644 use is appropriate in this rule. EPA recognizes, based on the available information, that there is
645 variability and uncertainty in whether any particular significant new use would actually present
646 an unreasonable risk. For precisely this reason, EPA is proposing to require notice and review for
647 these uses at such time as they are known more definitely.

648 **VII. References**

649 The following is a listing of the documents that are specifically referenced in this
650 document. The docket includes these documents and other information considered by EPA,
651 including documents that are referenced within the documents that are included in the docket,
652 even if the referenced document is not physically located in the docket. For assistance in locating
653 these other documents, please consult the technical person listed under **FOR FURTHER**
654 **INFORMATION CONTACT.**

655 1. EPA. Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical
656 Substances; Significant New Use Rule. Proposed Rule. **Federal Register** (80 FR 2885, January
657 21, 2015) (FRL-9915-63).

658 2. EPA. Economic Analysis of the Supplemental Proposal to the Significant New Use
659 Rule for Perfluoroalkyl Sulfonates and Long-Chain Perfluoroalkyl Carboxylate Chemical
660 Substances. **MONTH DAY, 2019.**

661 3. EPA. Long-Chain Perfluorinated Chemicals Action Plan. December 30, 2009.
662 Accessed at: [https://www.epa.gov/sites/production/files/2016-](https://www.epa.gov/sites/production/files/2016-01/documents/pfcs_action_plan1230_09.pdf)
663 [01/documents/pfcs_action_plan1230_09.pdf](https://www.epa.gov/sites/production/files/2016-01/documents/pfcs_action_plan1230_09.pdf)

664 4. EPA. Risk Management for Per- and Polyfluoroalkyl Substances (PFASs) under

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665 TSCA. Accessed at: [https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-and-polyfluoroalkyl-substances-pfass)
666 [management-and-polyfluoroalkyl-substances-pfass](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-and-polyfluoroalkyl-substances-pfass).

667 [5. Melzer, David, et al. "Association between serum perfluorooctanoic acid \(PFOA\) and](#)
668 [thyroid disease in the US National Health and Nutrition Examination Survey." *Environmental*](#)
669 [health perspectives 118.5 \(2010\): 686-692.](#)

670 [6. Knox, Sarah S., et al. "Implications of early menopause in women exposed to](#)
671 [perfluorocarbons." *The Journal of Clinical Endocrinology & Metabolism* 96.6 \(2011\): 1747-](#)
672 [1753.](#)

673 [7. 5. Butt, Craig M., et al. "Levels and trends of poly- and perfluorinated compounds in](#)
674 [the arctic environment." *Science of the Total Environment* 408.15 \(2010\): 2936-2965.](#)

675 [8. 6. Houde, Magali, et al. "Biological monitoring of polyfluoroalkyl substances: a](#)
676 [review." *Environmental Science & Technology* 40.11 \(2006\): 3463-3473.](#)

677 [9. 7. Calafat, Antonia M., et al. "Polyfluoroalkyl chemicals in the US population: data](#)
678 [from the National Health and Nutrition Examination Survey \(NHANES\) 2003–2004 and](#)
679 [comparisons with NHANES 1999–2000." *Environmental Health Perspectives* 115.11 \(2007\):](#)
680 [1596.](#)

681 [10. 8. Lau, Christopher, et al. "Perfluoroalkyl acids: a review of monitoring and](#)
682 [toxicological findings." *Toxicological Sciences* 99.2 \(2007\): 366-394.](#)

683 [11. 9. EPA. Health Effects Support Document for Perfluorooctanoic Acid \(PFOA\). EPA](#)
684 [822-R-16-003. May 2016.](#)

685 [12. 10. USEPA. "Perfluoroalkyl Sulfonates; Significant New Use Rule, Final Rule." 67](#)
686 [FR 11008, March 11, 2002.](#)

687 [13. 11. 3M Company. The Science of Organic Fluorochemistry. St. Paul, Minnesota,](#)

688 February 5, 1999.

689 ~~14. 12.~~ Strynar, Mark J., and Andrew B. Lindstrom. "Perfluorinated compounds in house
690 dust from Ohio and North Carolina, USA." *Environmental Science & Technology* 42.10 (2008):
691 3751-3756.

692 [15. Bohnet, Matthias. *Ulmann's Encyclopedia of Industrial Chemistry*. Wiley-Vch. 2003.](#)

693 [16. Plastics Industry Association. *Guide to the Safe Handling of Fluoropolymer Resins*.
694 *Fifth Addition*. 2018.](#)

695 ~~17. 13.~~ Knepper, Thomas P., et al. "Understanding the exposure pathways of per-and
696 polyfluoroalkyl substances (PFASs) via use of PFASs-containing products—risk estimation for
697 man and environment." *Texte* 47 (2014): 2014.

698 ~~18. 14.~~ Gremmel, Christoph, et al. "Systematic determination of perfluoroalkyl and
699 polyfluoroalkyl substances (PFASs) in outdoor jackets." *Chemosphere* 160 (2016): 173-180.

700 ~~19. 15.~~ Liu, Xiaoyu, et al. "Determination of fluorotelomer alcohols in selected consumer
701 products and preliminary investigation of their fate in the indoor environment." *Chemosphere*
702 129 (2015): 81-86.

703 ~~20. 16.~~ Washington, J.W., T.M. Jenkins. 2015. Abiotic hydrolysis of fluorotelomer
704 polymers as a source of perfluorocarboxylates at the global scale. *Environmental Science &*
705 *Technology*. 49. 14129-14135.

706 ~~21. 17.~~ Sinclair, Ewan, et al. "Quantitation of gas-phase perfluoroalkyl surfactants and
707 fluorotelomer alcohols released from nonstick cookware and microwave popcorn bags
708 *Environmental Science & Technology* 41.4 (2007): 1180-1185.

709 ~~22. 18.~~ Schaidt, Laurel A., et al. "Fluorinated Compounds in US Fast Food Packaging."
710 *Environmental Science & Technology Letters* 4.3 (2017): 105-111.

Commented [A103]: Follow-up comment #45 (one of two)
keep

Commented [A104]: Follow-up comment #49
Remove references

@@@ In follow-up comment #45 (one of two), there is reference to
ref 21 (ref 17), but this is not longer in the document

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711 ~~21, 23, 49~~: Guo, Zhishi, et al. "Perfluorocarboxylic acid content in 116 articles of
712 commerce." Research Triangle Park, NC: US Environmental Protection Agency (2009).
713 ~~22, 24, 20~~: U.S. EPA. Significant New Uses of Chemical Substances; Certain Chemicals.
714 49 FR 35014, September 5, 1984 (FRL-2541-8).
715 ~~23~~: [Washington, John W., et al. "Decades-scale degradation of commercial, side-chain,
716 fluorotelomer-based polymers in soils and water." *Environmental science & technology* 49.2
717 \(2015\): 915-923.](#)
718 ~~24, 25, 21~~: U.S. EPA. Understanding the Costs Associated with Eliminating Exemptions
719 for Articles in SNURs. May 1, 2013.

Commented [A105]: Follow-up Comment #58

721 VIII. Statutory and Executive Order Reviews

722 Additional information about these statutes and Executive Orders can be found at
723 <http://www2.epa.gov/laws-regulations/laws-and-executive-orders>.

724 A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563:
725 *Improving Regulation and Regulatory Review*

726 The Office of Management and Budget (OMB) designated this to be a significant
727 regulatory action and it was submitted to OMB for review under Executive Orders 12866 (58 FR
728 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). Any changes made in
729 response to OMB recommendations have been documented in the docket for this action as
730 required by section 6(a)(3)(E) of Executive Order 12866.

731 EPA prepared an economic analysis of the potential costs and benefits associated with
732 this action. A copy of the economic analysis, entitled "Economic Analysis of the Supplemental
733 Proposal to the Significant New Use Rule for Perfluoroalkyl Sulfonates and Long-Chain

734 Perfluoroalkyl Carboxylate Chemical Substances” (Ref. 2), is available in the docket and is
735 briefly summarized in Unit IV.

736 *B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs*

737 This action is expected to be subject to the requirements for regulatory actions specified
738 in Executive Order 13771 (82 FR 9339, February 3, 2017). EPA prepared an analysis of the
739 estimated costs and benefits associated with this action (Ref. 2), which is available in the docket
740 and is summarized in Unit I.E.

741 *C. Paperwork Reduction Act (PRA)*

742 This action does not impose any new information collection burden under the PRA, 44
743 U.S.C. 3501 *et seq.* Burden is defined in 5 CFR 1320.3(b). The information collection activities
744 associated with existing chemical SNURs are already approved under OMB control number
745 2070-0038 (EPA ICR No. 1188); and the information collection activities associated with export
746 notifications are already approved under OMB control number 2070-0030 (EPA ICR No.
747 0795). If an entity were to submit a SNUN to the Agency, the annual burden is estimated to be
748 less than 100 hours per response, and the estimated burden for export notifications is less than
749 1.5 hours per notification. In both cases, burden is estimated to be reduced for submitters who
750 have already registered to use the electronic submission system.

751 An agency may not conduct or sponsor, and a person is not required to respond to a
752 collection of information that requires OMB approval under the PRA, unless it has been
753 approved by OMB and displays a currently valid OMB control number. The OMB control
754 numbers for EPA's regulations in Title 40 of the CFR, after appearing in the **Federal Register**,
755 are listed in 40 CFR, part 9, and included on the related collection instrument, or form, as
756 applicable.

757 D. Regulatory Flexibility Act (RFA)

758 Pursuant to section 605(b) of the RFA, 5 U.S.C. 601 *et seq.*, I certify that promulgation of
759 this SNUR would not have a significant economic impact on a substantial number of small
760 entities. The rationale supporting this conclusion is as follows.

761 A SNUR applies to any person (including small or large entities) who intends to engage
762 in any activity described in the rule as a “significant new use.” By definition of the word “new”
763 and based on all information currently available to EPA, it appears that no small or large entities
764 presently engage in such activities. Since this SNUR will require a person who intends to engage
765 in such activity in the future to first notify EPA by submitting a SNUN, no economic impact will
766 occur unless someone files a SNUN to pursue a significant new use in the future or forgoes
767 profits by avoiding or delaying the significant new use. Although some small entities may decide
768 to conduct such activities in the future, EPA cannot presently determine how many, if any, there
769 may be. However, EPA’s experience to date is that, in response to the promulgation of SNURs
770 covering over 1,000 chemical substances, the Agency receives only a handful of notices per year.
771 During the six-year period from 2005-2010, only three submitters self-identified as small in their
772 SNUN submission (Ref. 2). **Based on this, EPA believes that few SNUN submissions will occur**
773 **as a result of the rule.** EPA believes the cost of submitting a SNUN, **\$10,000 for small business**
774 **submitters,** is relatively small compared to the cost of developing and marketing a chemical new
775 to a firm or marketing a new use of the chemical and that the requirement to submit a SNUN
776 generally does not have a significant economic impact.

777 Therefore, EPA believes that the potential economic impact of complying with this
778 proposed SNUR is not expected to be significant or adversely impact a substantial number of
779 small entities. In a SNUR that published as a final rule on August 8, 1997 (62 FR 42690) (FRL-

Commented [A106]: This language was agreed to be included here on the Dec. 19, 2019 call. This is also included in the agency's Follow-Up response to comment 76

Commented [A107R106]: EPA appreciates the addition of the agreed upon language

Commented [A108]: Comment #74

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780 5735-4), the Agency presented its general determination that proposed and final SNURs are not
781 expected to have a significant economic impact on a substantial number of small entities.

782 *E. Unfunded Mandates Reform Act (UMRA)*

783 Based on EPA's experience with proposing and finalizing SNURs, State, local, and
784 Tribal governments have not been impacted by these rulemakings, and EPA does not have any
785 reason to believe that any State, local, or Tribal government would be impacted by this
786 rulemaking. As such, the requirements of sections 202, 203, 204, or 205 of UMRA, 2 U.S.C.
787 1531-1538, do not apply to this action.

788 *F. Executive Order 13132: Federalism*

789 This action will not have federalism implications as specified in Executive Order 13132
790 (64 FR 43255, August 10, 1999), because it will not have substantial direct effect on States, on
791 the relationship between the national government and the States, or on the distribution of power
792 and responsibilities among the various levels of government.

793 *G. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments*

794 This action does not have tribal implications as specified in Executive Order 13175 (65
795 FR 67249, November 9, 2000), because it will not have any effect on tribal governments, on the
796 relationship between the Federal Government and the Indian tribes, or on the distribution of
797 power and responsibilities between the Federal Government and Indian tribes.

798 *H. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety*

799 *Risks*

800 This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997),
801 because this action does not address environmental health or safety risks, and EPA interprets
802 Executive Order 13045 as applying only to those regulatory actions that concern environmental

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803 health or safety risks that EPA has reason to believe may disproportionately affect children, per
804 the definition of “covered regulatory action” in section 2-202 of the Executive Order.

805 *I. Executive Order 13211: Actions Concerning Regulations that Significantly Affect Energy*
806 *Supply, Distribution, or Use*

807 This action is not a significant energy action as defined in Executive Order 13211 (66 FR
808 28355, May 22, 2001), because it is not likely to have any effect on energy supply, distribution,
809 or use.

810 *J. National Technology Transfer and Advancement Act (NTTAA)*

811 This rulemaking does not involve any technical standards and is therefore not subject to
812 considerations under section 12(d) of NTTAA, 15 U.S.C.272 note.

813 *K. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority*
814 *Populations and Low-Income Populations*

815 This action will not have disproportionately high and adverse human health or
816 environmental effects on minority or low-income populations as specified in Executive Order
817 12898 (59 FR 7629, February 16, 1994). This action does not affect the level of protection
818 provided to human health or the environment.

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819 **List of Subjects in 40 CFR Part 721**

820 Environmental protection, Chemicals, Hazardous substances, Reporting and
821 recordkeeping requirements.

822

823 Dated:

824

825

Commented [A109]: EPA typesetting ed

826 **Alexandra Dapolito Dunn,**

Commented [A110]: EPA typesetting ed

827 *Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

828

829 Therefore, it is proposed that 40 CFR chapter I be amended as follows:

830 **PART 721--[AMENDED]**

831 1. The authority citation for part 721 continues to read as follows:

832 **Authority:** 15 U.S.C. 2604, 2607, and 2625(c).

833 2. Revise § 721.10536 to read as follows:

834 **§ 721.10536 Long-chain perfluoroalkyl carboxylate chemical substances.**

835 (a) *Definitions.* The definitions in § 721.3 apply to this section. In addition, the following
836 definition applies:

837 *Carpet* means a finished fabric or similar product intended to be used as a floor covering.

838 This definition excludes resilient floor coverings such as linoleum and vinyl tile.

839 (b) *Chemical substances and significant new uses subject to reporting.* (1) The chemical
840 substances identified in this paragraph, where $5 < n < 21$ or $6 < m < 21$, are subject to reporting
841 under this section for the significant new uses described in paragraph (b)(4)(i) and (b)(4)(iv) of
842 this section.

843 (i) $\text{CF}_3(\text{CF}_2)_n\text{-COO M}$ where $\text{M}, = \text{H}^+$ or any other group where a formal dissociation can
844 be made.

845 (ii) $\text{CF}_3(\text{CF}_2)_n\text{-CH=CH}_2$.

846 (iii) $\text{CF}_3(\text{CF}_2)_n\text{-C(=O)-X}$, where X is any chemical moiety.

847 (iv) $\text{CF}_3(\text{CF}_2)_m\text{-CH}_2\text{-X}$, where X is any chemical moiety.

848 (v) $\text{CF}_3(\text{CF}_2)_m\text{-Y-X}$, where Y = non-S, non-N heteroatom and where X is any chemical
849 moiety.

850 (2) The chemical substances listed in Table 1 of this paragraph are subject to reporting
851 under this section for the significant new uses described in paragraph (b)(4)(ii) of this section.

852 **Table 1—LCPFAC Chemical Substances Subject to Reporting After December 31, 2015**

Commented [A111]: EPA typesetting ed (size 12 font and single spacing)

Chemical Name	CAS Registry No. (CASRN)	EPA Accession No.	TSCA Chemical Inventory Name
Perfluorooctyl iodide	507-63-1	N/A	Octane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8-heptadecafluoro-8-iodo-
Tetrahydroperfluoro-1-decanol	678-39-7	N/A	1-Decanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluoro-
Perfluoro-1-dodecanol	865-86-1	N/A	1-Dodecanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-heneicosafuoro-
Perfluorodecyl iodide	2043-53-0	N/A	Decane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8-heptadecafluoro-10-iodo-
1,1,2,2-Tetrahydroperfluorododecyl iodide	2043-54-1	N/A	Dodecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heneicosafuoro-12-iodo-
Perfluorodecylethyl acrylate	17741-60-5	N/A	2-Propenoic acid, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-heneicosafuorododecyl ester
1,1,2,2-Tetrahydroperfluorodecyl acrylate	27905-45-9	N/A	2-Propenoic acid, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl ester
1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12-Pentacosafuoro-14-iodotetradecane	30046-31-2	N/A	Tetradecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12-pentacosafuoro-14-iodo-
3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-Pentacosafuorotetradecan-1-ol	39239-77-5	N/A	1-Tetradecanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-pentacosafuoro-
3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,16-Nonacosafuorohexadecan-1-ol	60699-51-6	N/A	1-Hexadecanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,16-nonacosafuoro-
1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-Nonacosafuoro-16-iodohexadecane	65510-55-6	N/A	Hexadecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-nonacosafuoro-16-iodo-
Sodium;2-methylpropane-1-	68187-47-3	N/A	1-Propanesulfonic acid, 2-

sulfonate			methyl-, 2-[[1-oxo-3-[(.gamma.-.omega.-perfluoro- C4-16-alkyl)thio]propyl]amino] derivs., sodium salts
1,1,2,2-Tetrahydroperfluoroalkyl (C8-C14) alcohol	68391-08-2	N/A	Alcohols, C8-14, .gamma.-.omega.-perfluoro
Thiols, C8-20, gamma-omega-perfluoro, telomers with acrylamide	70969-47-0	N/A	Thiols, C8-20, .gamma.-.omega.-perfluoro, telomers with acrylamide
Silicic acid (H ₄ SiO ₄), sodium salt (1:2), reaction products with chlorotrimethylsilane and 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluoro-1-decanol	125476-71-3	N/A	Silicic acid (H ₄ SiO ₄), sodium salt (1:2), reaction products with chlorotrimethylsilane and 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluoro-1-decanol
Thiols, C4-20, gamma-omega-perfluoro, telomers with acrylamide and acrylic acid, sodium salts)	1078712-88-5	N/A	Thiols, C4-20, .gamma.-.omega.-perfluoro, telomers with acrylamide and acrylic acid, sodium salts
1-Propanaminium, 3-amino-N-(carboxymethyl)-N,N-dimethyl-, N-(2-[(.gamma.-omega-perfluoro-C4-20-alkyl)thio]acetyl) derivs., inner salts	1078715-61-3	N/A	1-Propanaminium, 3-amino-N-(carboxymethyl)-N,N-dimethyl-, N-[2-[(.gamma.-.omega.-perfluoro-C4-20-alkyl)thio]acetyl] derivs., inner salts
Polyfluoroalkyl betaine (generic)	CBI	71217	Polyfluoroalkyl betaine (PROVISIONAL)
Modified fluoroalkyl urethane (generic)	CBI	89419	Modified fluoroalkyl urethane (PROVISIONAL)
Perfluorinated polyamine (generic)	CBI	274147	Perfluorinated polyamine (PROVISIONAL)

853

854 **Table 1—LCPFAC Chemical Substances Subject to Reporting After December 31, 2015**

Chemical Name	CAS Registry No. (CASRN)	EPA Accession No.	TSCA Chemical Inventory Name
Perfluorooctyl iodide	507-63-1	N/A	Octane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8-heptadecafluoro-8-iodo-
Tetrahydroperfluoro-1-decanol	678-39-7	N/A	1-Decanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10-

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Chemical Name	CAS Registry No. (CASRN)	EPA Accession No.	TSCA Chemical Inventory Name
Perfluoro-1-dodecanol	865-86-1	N/A	heptadecafluoro- 1-Dodecanol; 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-heneicosafuoro-
Perfluorodecyl iodide	2043-53-0	N/A	Decane; 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8-heptadecafluoro-10-iodo-
1,1,2,2-Tetrahydroperfluorodecyl iodide	2043-54-1	N/A	Dodecane; 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10-heneicosafuoro-12-iodo-
Perfluorodecylethyl acrylate	17741-60-5	N/A	2-Propenoic acid; 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-heneicosafuorodecyl ester
1,1,2,2-Tetrahydroperfluorodecyl acrylate	27905-45-9	N/A	2-Propenoic acid; 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl ester
1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-Pentacosafuoro-14-iodotetradecane	30046-31-2	N/A	Tetradecane; 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12-pentacosafuoro-14-iodo-
3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-Pentacosafuorotetradecan-1-ol	39239-77-5	N/A	1-Tetradecanol; 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-pentacosafuoro-
3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,16-Nonacosafuorohexadecan-1-ol	60699-51-6	N/A	1-Hexadecanol; 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,16-nonacosafuoro-
1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14-Nonacosafuoro-16-iodohexadecane	65510-55-6	N/A	Hexadecane; 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14-nonacosafuoro-16-iodo-
Sodium;2-methylpropane-1-sulfonate	68187-47-3	N/A	1-Propanesulfonic acid, 2-methyl-, 2-[[1-oxo-3-[(gamma-omega-perfluoro-C4-16-alkyl)thio]propyl]amino] derivs., sodium salts
1,1,2,2-	68391-08-2	N/A	Alcohols, C8-14, gamma-omega-

Chemical Name	CAS Registry No. (CASRN)	EPA Accession No.	TSCA Chemical Inventory Name
Tetrahydroperfluoroalkyl (C8-C14) alcohol			perfluoro
Thiols, C8-20, gamma-omega-perfluoro, telomers with acrylamide	70969-47-0	N/A	Thiols, C8-20, gamma-omega-perfluoro, telomers with acrylamide
Silicic acid (H ₄ SiO ₄), sodium salt (1:2), reaction products with chlorotrimethylsilane and 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptafluoro-1-decanol	125476-71-3	N/A	Silicic acid (H ₄ SiO ₄), sodium salt (1:2), reaction products with chlorotrimethylsilane and 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptafluoro-1-decanol
Thiols, C4-20, gamma-omega-perfluoro, telomers with acrylamide and acrylic acid, sodium salts	1078712-88-5	N/A	Thiols, C4-20, gamma-omega-perfluoro, telomers with acrylamide and acrylic acid, sodium salts
1-Propanaminium, 3-amino-N-(carboxymethyl)-N,N-dimethyl-, N-(2-((gamma-omega-perfluoro-C4-20-alkyl)thio)acetyl)-derivs., inner salts	1078715-61-3	N/A	1-Propanaminium, 3-amino-N-(carboxymethyl)-N,N-dimethyl-, N-[2-[(gamma-omega-perfluoro-C4-20-alkyl)thio]acetyl]-derivs., inner salts
Polyfluoroalkyl betaine (generic)	CBI	71217	Polyfluoroalkyl betaine (PROVISIONAL)
Modified fluoroalkyl urethane (generic)	CBI	89419	Modified fluoroalkyl urethane (PROVISIONAL)
Perfluorinated polyamine (generic)	CBI	274147	Perfluorinated polyamine (PROVISIONAL)

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856

(3) The chemical substances identified as perfluorooctanoic acid (PFOA) and its salts,

857

including those listed in Table 2 of this paragraph, are subject to reporting under this section for

858

the significant new uses described in paragraph (b)(4)(iii) of this section.

859

Table 2—PFOA and Examples of Its Salts

Chemical Name	CAS Registry No. (CASRN)	TSCA Chemical Inventory Name
Pentadecafluorooctanoyl	335-66-0	Octanoyl fluoride,

Commented [A112]: EPA typesetting ed (size 12 font and single spacing)

fluoride		2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-
Perfluorooctanoic acid	335-67-1	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro- (PFOA)
Silver perfluorooctanoate	335-93-3	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, silver (+) salt (1:1)
Sodium perfluorooctanoate	335-95-5	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, sodium salt (1:1)
Potassium perfluorooctanoate	2395-00-8	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, potassium salt (1:1)
Ammonium perfluorooctanoate	3825-26-1	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, ammonium salt (1:1) (APFO)

860

861 **Table 2—PFOA and Examples of Its Salts**

Chemical Name	CAS Registry No. (CASRN)	TSCA Chemical Inventory Name
Pentadecafluorooctanoyl fluoride	335-66-0	Octanoyl fluoride, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-
Perfluorooctanoic acid	335-67-1	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro- (PFOA)
Silver perfluorooctanoate	335-93-3	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, silver (+) salt (1:1)
Sodium perfluorooctanoate	335-95-5	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, sodium salt (1:1)
Potassium perfluorooctanoate	2395-00-8	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, potassium salt (1:1)
Ammonium perfluorooctanoate	3825-26-1	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, ammonium salt (1:1) (APFO)

862

863 (4) Significant new uses:

864 (i) The significant new use for chemical substances identified in paragraph (b)(1) of this
 865 section are: Manufacture (including import) or processing for use as part of carpets or to treat
 866 carpets (e.g., for use in the carpet aftercare market).

867 (ii) The significant new use for chemical substances identified in paragraph (b)(2) of this
 868 section are: Manufacture (including import) or processing for any use after December 31, 2015.

869 (iii) The significant new use for chemical substances identified in paragraph (b)(3) of this