



December 23, 2021

*Submitted via Regulations.gov*

Cindy Wheeler  
Existing Chemicals Risk Management Division  
Office of Pollution Prevention and Toxics  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460-0001

**Re: Regulation of Persistent, Bioaccumulative, and Toxic Chemicals (PBT) Under TSCA Section 6(h); Further Compliance Date Extension; Docket No. EPA-HQ-OPPT-2021-0598.**

Dear Ms. Wheeler:

The U.S. Chamber of Commerce (“the Chamber”) is pleased to write in response to the request for comment regarding the U.S. Environmental Protection Agency (EPA) proposed Regulation of Persistent, Bioaccumulative, and Toxic Chemicals (PBT) Under TSCA Section 6(h); Further Compliance Date Extension (86 Fed. Reg. 59684 October 28, 2021).

The Chamber appreciates EPA’s recognition of the practical implementation challenges inadvertently resulting from the January 2021 final rule on PIP (3:1), particularly in light of broader ongoing supply chain challenges that have disrupted commerce across many economic sectors. In particular, we support EPA’s decision in this proposal to extend the PIP (3:1) compliance deadline until October 31, 2024. Establishing a practicable transition based on the Date of Manufacture provides more clarity concerning the compliance timeline that EPA has set for the phase out of PIP (3:1). This additional lead-time is needed for determining the presence of chemicals in supply chains, finding and testing alternate solutions, and certifying equipment and replenishing supply chains. An extension of the effective date, as proposed, will allow for a practicable compliance deadline consistent with TSCA’s mandate and the realities of modern, complex supply chains that are a central feature of global commerce.

As we have detailed in prior communications on this issue, industry stakeholders are undertaking robust, good faith efforts to comply with these conversion requirements, but will still need time to appropriately identify these components. It is particularly challenging for components and articles that contain PIP (3:1) that are fully enclosed within supply chains. The Chamber is supportive of efforts to reduce health risks due to exposures to PBT chemicals to the extent practicable. However, our concern is ensuring the agency provides adequate compliance times and appropriate scoping to focus restrictions on the conditions of use that lead to meaningful exposure reductions.

We believe it is important that the effective date of any regulation consider the date of manufacture and grandfather existing equipment and replacement parts to limit rendering current equipment and products useless as a result of the rule. EPA must establish a clear end date for

the already manufactured goods to remain in commerce so that companies do not need to pull inventory from shelves, which would be unnecessarily costly and likely add to already strained supply chains.

We also recommend that the agency confirm that these PIP (3:1) manufacturing compliance deadlines are consistent with the policy and spirit of President Biden's Executive Order 14017 of February 24, 2021 ("America's Supply Chains"; 86 Fed. Reg. 11849, March 1, 2021). This executive order seeks to secure and strengthen supply chains for many industries, including ones that are frequent users of PIP (3:1). As the President noted in the executive order, "[m]ore resilient supply chains are secure and diverse – facilitating greater domestic production, a range of supply, built-in redundancies, adequate stockpiles, safe and secure digital networks, and a world-class American manufacturing base and workforce." The COVID-19 pandemic and associated supply chain disruptions in numerous sectors over the past year have illustrated how important a resilient and well-functioning supply chain is to both our economic and national security. Accordingly, we urge the agency over the ensuing extension period to carefully consider and proactively address the potential that these rules could exacerbate existing supply chain shortcomings.

The business community remains committed to working with EPA to make progress on chemical risk management efforts. We look forward to strengthening our partnership with the agency to ensure enhanced protection and stewardship of public health and the environment, while also recognizing the practical realities of modern supply chains and business operations.

We appreciate this opportunity to provide these comments and look forward to working with you on improving TSCA implementation in the future.

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin J. Durbin". The signature is fluid and cursive, with a large initial "M" and "D".

Martin J. Durbin  
President, Global Energy Institute  
and Senior Vice President, Policy  
U.S. Chamber of Commerce