November 23, 2020

Alexandra Dunn
Assistant Administrator for Chemical Safety and Pollution Prevention
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re; Extension of Comment Period for 1,4-Dioxane Supplemental Risk Evaluation (EPA-HQ-OPPT-2019-0238)

Dear Assistant Administrator Dunn:

The undersigned organizations request that the Environmental Protection Agency (EPA) extend by no less than 40 days the public comment period for its supplement to the draft 1,4-dioxane risk evaluation under the Toxic Substances Control Act (TSCA). We further ask EPA that request the Science Advisory Committee on Chemicals (SACC) peer review the supplement consistent with its earlier work on the risk evaluation of this substance.

The supplement represents a major expansion in the scope of the 1,4-dioxane risk evaluation. EPA has for the first time evaluated consumer exposures, adding eight conditions of use involving types of consumer products in which 1,4-dioxane is present as a byproduct. EPA has also for the first time evaluated general population exposures to ambient water via recreational swimming and fish consumption. EPA's conclusions that these conditions of use do not present an unreasonable risk of acute or chronic cancer or non-cancer health effects are controversial and depart from other assessments, for example, those of New York and California who are in the process of restricting 1,4-dioxane in consumer products. Because these consumer products are widely used, millions of Americans are impacted by EPA's supplemental evaluation. If, as we believe, EPA has significantly understated risks to these consumers, the draft evaluation would fail to result in sufficient protections of public health. And if an effect of the evaluation is to preempt state regulation under section 18 of TSCA, consumers would be denied alternative means of protection.

When EPA issued the supplement on November 20, 2020, it provided only 20 days for the public to provide comments. This abbreviated comment period is without precedent for TSCA risk evaluations. Moreover, it falls during the Thanksgiving holiday during which many interested stakeholders will take time off. It also comes during a period in which the COVID-19 pandemic is raging across the country. For many stakeholders – e.g., those directly working on fighting the pandemic; dealing with infected or sick family members or colleagues; or facing interruptions or delays in collecting and sharing information and getting internal approvals – the resulting disruptions further impede timely comment preparation. For these reasons, 20 days is far too little time to allow stakeholders to carefully review the data and methodology EPA has used to determine the frequency, magnitude and duration of consumer and general population exposures to 1,4-dioxane and assess the resulting health risks based on the 1,4-dioxane database.

We note that just last week EPA granted a request from the chemical industry for an extension of the public comment period for the agency's draft risk evaluation for Pigment Violet 29. When it released that supplemental draft on October 30, 2020, EPA provided a 30-day comment period, 10 days longer than the

period it has now afforded for 1,4-dioxane. EPA has now granted a 20-day extension for PV29, providing a total of 50 days to file comments. PV-29 has narrower uses and impacts a far smaller population than 1,4-dioxane. Given the importance and complexity of the supplemental evaluation for this substance, we request a 40-day extension, resulting in a total comment period of 60 days, the minimum amount of time required by EPA's TSCA regulations for comment on a risk evaluation. *See* 40 C.F.R. § 702.49(a). As discussed above, EPA's nearly 100-page "draft supplemental analysis" – along with more than 100 pages of new supporting material – is effectively an entirely new risk evaluation for eight conditions of use and one exposure pathway that were ignored in EPA's prior draft. A 20-day comment period would violate EPA's risk evaluation rule, as well as the provisions of TSCA and Administrative Procedures Act requiring a minimum of 30 days for public comment. *See* 15 U.S.C. § 2605(b)(4)(H); 5 U.S.C. § 553(d).

EPA's decision to dispense with peer review for the supplemental evaluation, again in contrast to PV29, is irresponsible and further compromises the credibility of the Agency's eleventh hour change of course on this important chemical. The earlier SACC report on the initial draft evaluation was highly detailed and made numerous recommendations for improvement. Now that EPA has broadened the scope of the evaluation to include ambient water and consumer product exposures affecting a broad segment of the US population, further peer review is essential to assure protection of public health. The prior work of the SACC puts it in a strong position to provide EPA with informed and knowledgeable feedback.

We request a response to our request as soon as possible given that the comment period is already underway.

Please contact Bob Sussman at bobsussman1@comcast.net with any questions about this request.

Sincerely,

Elizabeth Hitchcock, Safer Chemicals Healthy Families

Richard Denison, Environmental Defense Fund

Melanie Benesh, Environmental Working Group

Daniel Rosenberg, Natural Resources Defense Council

Patrick MacRoy, Defend Our Health

Jonathan Kalmuss-Katz, Earthjustice

Thomas Fox, Center for Environmental Health

Emily Donovan, Clean Cape Fear

Dana Sargent, Cape Fear River Watch

Jovita Lee, Vice President, Democracy Green

La'Meshia Kaminski, Campaigns Director, North Carolina Black Alliance

Alexis Luckey, Executive Director, Toxic Free NC

cc: Deputy Assistant Administrator David Fischer
OPPT Director Yvette Collazo-Reyes
Yvette Selby-Mohamadu
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