Public Comment Guide

Environmental Protection Agency (EPA) Reconsideration of the 2020 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing Residual Risk and Technology Review

Deadline

Comments must be submitted to the Federal Register on or before March 24, 2022.

Summary

Ethylene oxide is a colorless, odorless gas—a hazardous air pollutant regulated under the Clean Air Act and administered by the Environmental Protection Agency (EPA). The EPA’s Integrated Risk Information System (IRIS) program systematically assesses the health risks of potentially toxic chemicals and is used in regulatory decisionmaking across the agency. After more than 10 years of work, the EPA conducted an IRIS assessment for ethylene oxide in 2016, including establishing an inhalation risk value for the risk of cancer. After multiple rounds of peer review and public comment, the IRIS risk value for ethylene oxide represents the best available science and should be followed. Additionally, in 2018 the EPA’s National Air Toxics Assessment (NATA) used this IRIS risk value to reveal that ethylene oxide is significantly contributing to higher cancer rates across the country, particularly in low-income communities and communities of color.

The EPA is asking members of the public to comment on the use of the EPA’s 2016 IRIS value for ethylene oxide in assessing cancer risk for chemical plants that fall under the Miscellaneous Organic Chemical Manufacturing source category, rebutting the use of the Texas Commission on Environmental Quality (TCEQ) risk value for ethylene oxide as an alternative risk value to the EPA’s IRIS value. Comments from the public, especially those with scientific expertise and those who have personal connections to the issue are critical to well-informed rulemaking.

UCS and our partners strongly support the use of the IRIS risk value for ethylene oxide, and absolutely reject TCEQ’s attempts to undermine the science and community will to see stronger health-protective measures.

Tips for Writing a Comment

- Read the summary and background of the rule to understand the context of the agency’s current proposal.
- Write concisely but provide the relevant details. Describe the impact of the proposed rule, including how it will affect the public and worker health and safety.
- If you have relevant expertise or personal experience (e.g., you or a family member lives near a facility that emits ethylene oxide), state this explicitly and make the connections to your arguments.

Submitting Comments (for additional instructions see the docket)
• Select “Submit a Formal Comment” in the upper righthand side of the and follow the prompts.
• Write your comments directly into the form or upload a file.
• All comments must include Docket ID No. EPA–HQ–OAR–2018–0746. Reference this directly in your comment.
• You can comment as an individual, an organization, or anonymously. Comments with your name, credentials, and any other relevant information are most impactful.
• Comments are posted publicly on the regulations.gov website, including any personal information provided.

Suggested Talking Points

Affirm EPA’s decision to use the 2016 ethylene oxide IRIS assessment because:
1. The IRIS value has undergone extensive peer review to systematically assess toxicological and epidemiological evidence on the health risks of ethylene oxide, including by EPA’s agency scientists, interagency review, EPA’s Science Advisory Board, and external scientists and technical experts.
2. Communities living at the fenceline of facilities that emit ethylene oxide, which are disproportionately communities of color and low-income communities, deserve to have strong science-based protections. The EPA must act to uphold its environmental justice promises.
3. Using the 2016 IRIS risk value for the evaluation of ethylene oxide risk prioritizes policies that will limit toxic emissions from facilities, especially in historic “sacrifice zones” where these toxic emissions pose a life-threatening danger to the lives of the nation’s most marginalized communities.
4. The EPA must use its IRIS value to provide strong, equitable, evidence-based protections for fenceline communities facing risk substantial risks from ethylene oxide-induced cancers and other health harms.
5. In 2018, the EPA’s NATA revealed that ethylene oxide is significantly contributing to higher cancer rates in areas surrounding chemical manufacturers and sterilizers using the chemical across the country.
6. Science-based federal agencies, such as the EPA, should have their decisionmaking processes governed by principles of scientific integrity not only to preserve science, but most importantly to protect the lives of those who have been forced to endure hazardous ethylene oxide exposure, while making advancements in enforcing regulations that will improve the lives of fence-line communities.

Deny TCEQ risk value for ethylene oxide as an alternative risk value to the EPA's IRIS value for the following reasons:
1. TCEQ failed to provide new data that would cause the EPA to use the final TCEQ cancer risk value instead of the IRIS cancer risk value.
2. TCEQ risk analysis did not follow principles of scientific integrity due to their flawed analytical approach and their exclusion of critical scientific evidence of breast cancer in women as an endpoint.
3. TCEQ’s ethylene oxide cancer analysis was guided by people with substantial conflicts of interest and the state agency followed a non-transparent, even secretive process.
4. Attempts to get TCEQ to release thousands of pages of documents that support their analysis resulted in the state agency working incredibly hard to keep this supporting documentation confidential, including instigation of a lawsuit and a court appeal to prevent public scrutiny of the documents that their analysis is built on.

Support finalization of the proposed rule as quickly as possible:
1. Numerous delays, particularly from industry pressure, have postponed the implementation of the IRIS risk value. The EPA must act on the robust science and community experience and protect the public.
2. The EPA and the Clean Air Act aim to protect human health; supporting the use of the IRIS value for ethylene oxide toxicity is essential to realizing these aims.
3. We must protect overburdened communities, including the over 100 communities across the country found to have cancer risk levels above the acceptable level of 100 in 1 million, as the Clean Air Act directs.
4. Fenceline communities are exposed to multiple toxic pollutants and these cumulative impacts exacerbate the risk of substantial health harms. Each chemical we fail to comprehensively regulate contributes to this burden and to the detrimental health effects.

Additional Resources
- UCS’ most recent blog on the issue: [EPA Rejects Industry Attempt to Downplay Ethylene Oxide Harms](#)
- Additional background information on [ethylene oxide](#).
- Prior comments affirming the need to follow the IRIS risk value for ethylene oxide, see UCS blog post: [EPA Must Keep Communities Safe from Ethylene Oxide Cancer Risks](#).
- An exposé by ProPublica laying out the environmental justice harms and impacts of ethylene oxide
- Further details of TCEQ background and involvement in the issue
- Extensive technical comments written by scientists with expertise on the issue
- For more advice on writing public comments, see our Participating in Federal Rulemaking guidance.

Let us Know You Took Action
We want to know if you’ve submitted a comment, and what that comment entailed. This helps us understand who we are reaching with our resources, who in our network is taking action, and what messages are being sent. This way we can better offer you action opportunities, events, and information, and we can track the impact of our work together. [Click here to share your work with us and any feedback you have](#).