

March 23, 2023

Dr. Michal Freedhoff
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency Mail Code 7101M
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: EPA Review of LCPFAC SNUNs Submitted by Inhance Technologies

Dear Assistant Administrator Freedhoff:

The undersigned organizations strongly urge EPA to prohibit Inhance Technologies LLC (“Inhance”) from continuing to manufacture, process and distribute unsafe per- and polyfluoroalkyl substances (“PFAS”) formed by the fluorination of plastic containers.

Nine significant new use notices (“SNUNs”) were recently filed by Inhance under section 5 of the Toxic Substances Control Act (“TSCA”). These SNUNs, [announced](#) by EPA in the Federal Register on February 17, 2023, seek approval for the continued manufacture, processing and distribution in commerce of PFAS formed during fluorination.

Our groups are concerned about the contribution of these activities to the dangerous buildup of PFAS in humans and the environment. We call on EPA to withhold its approval of the SNUNs and issue an order under TSCA section 5(f) prohibiting PFAS formation during fluorination.

Extensive testing shows that the fluorination process forms at least 9 long-chain perfluoroalkyl carboxylate (“LCPFAC”) substances subject to the Agency’s July 2020 significant new use rule (“SNUR”) under TSCA. The SNUR was put in place in response to the 2010-2015 PFOA Stewardship Program, which resulted in the voluntary phaseout of LCPFACs by their principal manufacturers and processors at the end of 2015. The goal of the SNUR is to ensure that the presence of these substances in humans and the environment continues to decline. Thus, the SNUR prohibits any manufacture of LCPFACs unless EPA has received advance notice and the opportunity to take action to prevent unreasonable risks to health and the environment.

Perfluorooctanoic acid (“PFOA”), a member of the LCPFAC class found in fluorinated containers, has been detected in the blood of 98 percent of the U.S. population. EPA recognizes that PFOA presents a serious risk of injury to people and the environment because of the combination of pervasive exposure and serious adverse health effects at near-zero concentrations. Last spring, EPA set a new [interim drinking water health advisory](#) for PFOA of 0.004 ppt, reflecting its [conclusion](#) “that some negative health effects may occur with concentrations of PFOA . . . in water that are near zero and below EPA’s ability to detect at this

time.” EPA’s new landmark drinking water limits for PFOA and other PFAS, [proposed](#) last week, reinforce the alarming risks to health posed by this substance. Although less extensively studied, other LCPFACs likely have similar exposure and toxicity profiles to PFOA.

Given the extraordinarily low levels of PFOA capable of harming health, any increase in exposure from its formation during fluorination would represent an unacceptable increase in risk.

Inhance reportedly fluorinates over 140 million containers each year. These containers have a wide range of applications, including home cleaning products, paint removers, automotive products, fuel tanks and totes, lawn and garden products, bulk industrial containers, lubricants and greasers, solvents, agricultural chemicals, foods, and craft and hobby materials. A large worker population handles these containers during fluorination or at downstream facilities where they are filled with products, prepared for shipment, or used for industrial and commercial purposes. Countless consumers purchase or use fluorinated containers for many daily activities.

Ongoing and significant exposure also likely results from water and air releases by Inhance’s 11 US facilities. These releases could have substantial environmental justice impacts, given that residential areas in closest proximity to industrial facilities are often populated by low-income people and communities of color who are disproportionately burdened by chemical pollution. These worker, consumer, and EJ populations will have preexisting levels of PFOA and other PFAS in their blood. The PFAS in fluorinated containers will be additive to this ongoing body burden and therefore magnify the serious risk that already exists.

Allowing *any* manufacture and processing of LCPFACs in response to the Inhance SNUNs would undermine the Agency’s goals of reducing exposure to these substances and preventing increased risks of harm. Accordingly, the outcome of EPA’s SNUN reviews must be a determination that LCPFACs formed during fluorination “present an unreasonable risk of injury” under TSCA section 5(a)(3)(A) and require an order under section 5(f)(3)(A) prohibiting LCPFAC formation during fluorination.

Our groups look forward to commenting in more detail on the Inhance SNUNs. However, at present, meaningful comments are virtually impossible because of Inhance’s all-encompassing claims of Confidential Business Information (CBI). Much of the information in the SNUNs has been redacted, including health and safety data that must be disclosed under section 14(b)(2) of TSCA. Lack of access to these data denies the public vital information about the risks of Inhance-produced LCPFACs to workers, consumers and communities. EPA must immediately reject Inhance’s unjustified CBI claims so that the public has a full opportunity to review and comment on vital health and safety data. The comment period extension EPA has agreed to grant would go far to provide this opportunity. Finally, Inhance belatedly filed SNUNs only after EPA repeatedly informed the company that it was failing to comply with the SNUR and both EPA and two NGOs filed suit. Even then, the company refused to stop manufacturing and processing LCPFACs during fluorination. EPA must take all available administrative and judicial steps to stop this unlawful conduct, protect the public from unsafe PFAS exposure and penalize Inhance to the full extent of the law.

Thank you for considering our views.

Respectfully submitted,

7 Directions of Service

Alaska Community Action on Toxics

Beyond Plastics

Breast Cancer Prevention Partners (BCPP)

Buxmont Coalition for Safer Water

Campaign for Healthier Solutions

Carrizo Comecrudo Tribe of Texas

Center for Biological Diversity

Center for Environmental Health

Citizens Campaign for the Environment

Clean Cape Fear

Clean Haw River

Clean Production Action

Clean Water Action

Clean+Healthy

Collaborative for Health and Environment
(CHE)

Defend Our Health

Earthjustice

Environmental Defense Fund

Environmental Protection Network

Fenceline Watch

Fight For Zero, Inc

Free Flow Wines

FreshWater Accountability Project

Friends of the Earth

Global Alliance for Incinerator Alternatives

Green Science Policy Institute

Inland Ocean Coalition

Institute for Agriculture and Trade Policy

Jones River Watershed Association

LEAD for Pollinators, Inc.

Learning Disabilities Association of
America

MADE SAFE

Maine Public Health Association

Maine UU State Advocacy Network

Maine Youth Action

Material Research L3C

Merrimack Citizens for Clean Water

Micah Six Eight Mission

Military Poisons

Nantucket PFAS Action Group

National PFAS Contamination Coalition

Natural Resources Defense Council (NRDC)

Need Our Water

Newburgh Clean Water Project

Occidental Arts and Ecology Center

Office of Wendy Thomas, NH House of
Representatives

PEER

PfoaProjectNY

Plastic Free Future

Plastic Pollution Coalition

Safer States

SC Idle No More, SCIAC

Slingshot

Songbird Farm

Southern Maine Conservation Collaborative

Testing for Pease

The Last Beach Cleanup

The Last Plastic Straw

Toxic Free NC

Turtle Island Restoration Network

Until Justice Data Partners

Women's Voices for the Earth

Zero Waste Washington

cc: Denise Keehner (OPPT)

Mark Hartman (OPPT)

Madison Le (OPPT)