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August 30, 2019

Todd Peterson
Office of Pollution Prevention and Toxics
Environmental Protection Agency (EPA)
1200 Pennsylvania Ave, N.W.
Washington, DC 20460-0001

RE: Comments on “Draft Toxic Substances Control Act Risk Evaluations: Cyclic Aliphatic Bromide Cluster (HBCD)” (Docket: EPA-HQ-OPPT-2019-0237)

Dear Mr. Peterson:

The Motor & Equipment Manufacturers Association (MEMA) offers the following comments in response to the U.S. Environmental Protection Agency’s (EPA) request for comment on the Office of Pollution Prevention and Toxics (OPPT) draft risk evaluation for cyclic aliphatic bromide cluster (CASN 25637-99-4) (HBCD).¹ The EPA’s draft risk evaluation for HBCD has been conducted as one of the initial 10 high-priority chemicals under the Lautenberg Chemical Safety for the 21st Century Act (LCSA) amending the Toxic Substances Control Act (TSCA).²

MEMA represents more than 1,000 companies that manufacture new original equipment (OE) and aftermarket components, systems and materials for use in passenger cars and heavy trucks.³ The motor vehicle components manufacturing industry is the nation’s largest direct employer of manufacturing jobs – employing over 871,000 workers in all 50 states – with a total employment impact of 4.26 million jobs. Our members develop and provide 77 percent of the value of a new vehicle including a multitude of technologies and a wide range of products, components and systems that make vehicles safer, more efficient and reduce emissions.

According to OPPT’s February 2017 document on HBCD, EPA indicated that the primary use of HBCD is a flame retardant in expanded polystyrene and extruded polystyrene and is also used in vehicle replacement parts. In 2017, MEMA submitted comments to the EPA indicating that motor vehicle suppliers have indicated “HBCD is not used during the manufacturing process of any automotive components” and that industry has phased out the use of HBCD.⁴ The motor vehicle industry confirmed later in November 2018 that HBCD

¹ 126 Fed Reg 31315

² 82 Fed Reg 6545

³ MEMA represents its members through four divisions: Automotive Aftermarket Suppliers Association (AASA); Heavy Duty Manufacturers Association (HDMA); Motor & Equipment Remanufacturers Association (MERA); and, Original Equipment Suppliers Association (OESA).

⁴ MEMA 2017 Comments [EPA-HQ-OPPT-2016-0735-0014](https://www.regulations.gov/document/EPA-HQ-OPPT-2016-0735-0014)



can only be found in vehicle replacement parts but is not currently used in production parts used in new vehicle assembly.⁵

According to the EPA's draft risk evaluation, EPA considers vehicle replacement parts to be a condition of use and includes replacement parts the scope of the HBCD risk evaluation. Under TSCA § 6(c)(2)(D), the EPA is directed to "exempt replacement parts for complex durable goods and complex consumer goods" unless EPA finds that "such replacement parts contribute significantly to the risk, identified in a risk evaluation conducted under subsection (b)(4)(A), to the general population or to an identified potentially exposed or susceptible subpopulation." MEMA's and other motor vehicle industry data show that HBCD is being phased out or has already been phased out of replacement parts. Consequently, MEMA supports EPA's finding that HBCD poses no unreasonable risk to the environment or human health.

MEMA appreciates consideration of these comments. Please contact Laurie Holmes at (202) 312-9247 or lholfmes@mema.org if you have questions or require any further information.

Respectfully Submitted,



Laurie Holmes
Senior Director, Environmental Policy

⁵ Auto Alliance 2018 Comments [EPA-HQ-OPPT-2016-0735-0104](#)