MOMS clean air FORCE

November 7, 2025
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Subject: **Procedures for Chemical Risk Evaluation Under the Toxic Substances Control Act**
Docket Number: EPA-HQ-OPPT-2025-0260

To Whom It May Concern:

Thank you for this opportunity to submit comments on the Toxic Substances Control Act risk evaluation Framework Rule for existing chemicals. **The Framework Rule is critically important because it defines what information the EPA will consider when reviewing the dangerous chemicals that are put in everything from paints and construction materials to electronics to detergents and household cleansers.**

If the American people knew what was in this proposed Framework Rule, they would be outraged. At a time when nearly every day brings new revelations about the harms from chemical exposures, **this proposal threatens to *weaken* the rules meant to protect children, families, and all people from the toxic chemicals that pollute our air, contaminate our food, and poison our water**. EPA's proposal would lead to even more toxic exposures in our homes, daycares, schools, workplaces, playgrounds, and beyond.

The Toxic Substances Control Act

To protect children and all people from harmful chemicals, Congress passed the Toxic Substances Control Act (TSCA) in 1976. Though intended to safeguard Americans, the law failed to restrict even the most thoroughly researched, disease-inducing chemicals.

In 2016, Congress amended TSCA with the bipartisan Lautenberg Act. The act directs EPA to determine whether a chemical presents "an unreasonable risk of injury to health or the environment," including the risks to "potentially exposed or susceptible subpopulations." The evaluation must be based on health, not on costs.

The original TSCA let the chemical industry keep on the market (without testing) the 62,000 chemicals that were already in commerce in 1976. The TSCA Lautenberg Act added a multiyear review process for "existing" chemicals, which now number more than 86,000. It is these

existing chemicals that this Framework Rule addresses – chemicals that are already in commerce, such as asbestos, vinyl chloride, and formaldehyde.

The TSCA Lautenberg Act also seeks to protect people from dangerous **new chemicals**, requiring EPA to make an "affirmative determination of safety" before they can be manufactured or imported. Those new-chemical protections are under threat as well, but are not the subject of this particular rule.

The TSCA Framework Rule for existing chemicals

The EPA maintains an inventory of the existing chemical substances that are manufactured, processed, or imported in the U.S. This TSCA Inventory contains 86,862 chemicals, of which 42,578 are active. Interestingly, the identities of more than 18,000 of the existing chemicals are considered confidential and are not subject to public disclosure.

Under TSCA section 6, EPA screens its inventory of existing chemicals and selects candidates for further review. Chemicals designated as "high priority substances" then proceed to the next step, which is the **risk evaluation** -- this is the procedure at stake in this rule. TSCA requires EPA to determine if the chemical presents an unreasonable risk to health or the environment, using the best available science. If EPA finds unreasonable risk, then it moves to the **risk management** phase in which EPA proposes what actions must be taken to address the unreasonable risk.

By short-circuiting basic steps in the risk evaluation process and by limiting the scope of what's included, EPA Administrator Zeldin's TSCA Framework Rule would *diminish and downplay* the risks posed by existing chemicals. As a result, the **rule would harm the very groups that TSCA is meant to protect, including children, frontline communities, and workers**. Mr. Zeldin's proposal threatens to return EPA to the bad-old-days of rubber-stamping approvals for known carcinogens and other toxic chemicals.

The question of "burdens"

The Toxic Substances Control Act repeatedly instructs EPA to carry out its chemical risk evaluations "**without consideration of costs** or other nonrisk factors" [emphasis added]. This limiting condition puts the TSCA law at odds with the Trump Administration's deregulatory agenda, which is one that unabashedly seeks to enrich fossil fuel and petrochemical polluters.

To achieve its corporate cost-cutting goals in a more neutral way, EPA elevates its concerns about the regulatory compliance "burdens" faced by "the regulated community" (meaning, the costs faced by the chemical companies). In an astonishing twist, the proposed Framework Rule removes those who endure the real "burdens" – the *overburdened communities* – from the list of people deserving special consideration and protection in the risk evaluations.

EPA's proposed changes to the TSCA Framework Rule

The proposed Framework Rule threatens to undermine EPA's ability to implement the plain language of the 2016 Lautenberg Chemical Safety Act. The proposal contravenes the letter and the intent of Section 6 of TSCA and threatens to expose people to carcinogens, neurotoxins, and other dangerous chemicals. Some examples:

- **Picking and choosing which "conditions of use" to include, and then slicing and dicing the risk evaluation**

For existing chemicals that are determined to be a "high priority," Section 6 of the Toxic Substances Control Act requires the EPA to evaluate risks along the entire supply chain, including manufacture, processing, distribution in commerce, use, and disposal. The law specifies that EPA risk evaluators determine **whether a "chemical substance or mixture" presents "an unreasonable risk of injury to health or the environment"** under the **"conditions of use"** (defined as the circumstances under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of).

The Congress understood that people are exposed to chemicals from multiple sources. Thus they required EPA to evaluate the entire chemical supply chain – all of the "conditions of use" -- to protect against unreasonable risk posed by any activity **or combination** of activities. **Where one or more conditions of use for the chemical present an unreasonable risk, the *entire* chemical substance itself presents an unreasonable risk**, which then must be addressed in the "risk management" stage of the TSCA process.

Disturbingly, Mr. Zeldin's proposed Framework Rule claims sweeping and unlawful authority for EPA **to cherry pick** from the outset which "conditions of use," pathways, and routes of exposure it wants to include in (or exclude from) the risk evaluation. EPA tried this approach during Trump's first term and ended up ignoring sources of exposure that resulted in unreasonable risks from multiple chemicals in air and drinking water. Mr. Zeldin seems determined to repeat the same error.

EPA's proposed Framework Rule requires that EPA make **separate risk determinations for individual activities**, an approach that conflicts with the plain language of TSCA. The EPA states, "The new 40 CFR 702.39(f)(1) would read as follows: "As part of the risk evaluation, EPA will determine whether the chemical substance presents an unreasonable risk of injury to health or the environment under the conditions of use **by making separate risk determinations for each condition of use within the scope of the risk evaluation**…" (emphasis added). More succinctly, EPA confirms, "a risk determination would be made for each condition of use."

EPA would select which "conditions of use" of a toxic chemical it wants to evaluate and could ignore the other uses. It would then evaluate each of the selected uses separately. **Using this**

unlawful approach, EPA could conclude, incorrectly, that particular uses of extremely toxic chemicals do not present unreasonable risk and thus cannot be regulated.

Use-by-use evaluations of toxic chemicals – and the resulting determinations that *particular uses* do not present unreasonable risk to human health or the environment – are extraordinarily dangerous in the context of potent carcinogens like vinyl chloride or heavy metals or the thousands of PFAS chemicals. Small amounts of these chemicals can trigger extraordinary harm, whether coming from the pipes and stacks or fugitive escapes, or from the products that end up burned or dumped. Just like infectious diseases that can cause global pandemics or invasive species that can spread far and wide, so too can toxic chemicals travel by wind and water to virtually every ecosystem on the planet, even the most remote locations. **To conclude that a chemical substance is acceptable because a particular "condition of use" does not present an unreasonable risk assumes that the toxic chemical will never go anywhere, and will magically disappear after its designated use. It also assumes that the particular "condition of use" is the only source of exposure**, an issue discussed in the next section.

The recklessness of Mr. Zeldin's use-by-use approach to risk evaluation can be better understood if we think about a concrete situation:
Consider, for example, for example, the 85-mile stretch between Baton Rouge and New Orleans, Louisiana. Roughly 200 fossil fuel and plastics-making facilities line this section of the Mississippi River. Former slave plantations have been transformed into giant petrochemical fortresses, some the size of hundreds of football fields. People living in these areas—mostly Black, Brown, Indigenous, and low-income communities—wake up each morning to the thick haze of carcinogenic air pollution and to the stench, noise, and eyesore from plastics production, processing, and disposal facilities. The United Nations Special Rapporteur on Human Rights has identified this strip as one of the most polluted and hazardous places on earth, a "sacrifice zone" plagued by unconscionable environmental injustices. Children and families are exposed to ethylene oxide, formaldehyde, PFAS, heavy metals, and other toxic chemicals through a multitude of pathways -- food, air, water. **To independently evaluate the harm from each chemical, from each individual source, through each route of exposure, *one by one,* would be absurd. And yet, that is precisely what EPA is proposing to do** in separating out the risk evaluations for each "condition of use."

Mr. Zeldin's fictional accounting of risk would dramatically understate the risk and allow the chemical corporations to keep using the most harmful substances. It would also make the risk evaluation process far more inefficient. EPA has neither the legal basis nor the resources to evaluate thousands of chemicals for every individual condition of use.

- ## Turning a blind eye to aggregate exposures

The Toxic Substances Control Act requires that EPA make use of the **best available science,** so it was only logical, last year, for EPA to commit to consider "*aggregate exposures*" in TSCA risk evaluations (defined as the combined exposures from a chemical substance across multiple routes and across multiple pathways). And while not yet explicitly requiring the use of

"*cumulative risk assessment*," the 2024 rule underscored the importance of considering and applying cumulative risk approaches as well. EPA recognized the need to address environmental injustice in situations where multiple chemicals, in combination with socio-economic burdens, contribute to persistent health disparities.

Rather than advance this effort to protect the people worst harmed by toxic chemicals, the Zeldin EPA seeks to delete the requirement that EPA consider aggregate exposures in the risk evaluations. And it says that when EPA excludes this information, it should not have to give a reason for the omission. **This is highly consequential.**

To better understand the risk evaluation process that EPA is proposing, it is helpful to take a concrete example of aggregate harm:
Consider microplastics, the tiny, jagged, sharp-edged fragments of plastic that contain dangerous chemicals such as phthalates, PFAS, and heavy metals. People can inhale millions of plastic particles per year. Microplastics can also penetrate skin pores, and we ingest them with our food and beverages. A single one-liter bottle of water contains an average of 240,000 microplastic fragments suspended in the water. Microplastics accumulate in fat tissue and act like slow-release drugs, leaching chemicals over time. Studies link microplastics to cancer, intestinal disease, pulmonary disease, cardiovascular damage, reproductive dysfunction, and inflammatory diseases.

Few of us worry about any single microplastic exposure or pathway. But taken together, in "aggregate," microplastics may be a significant threat, accumulating in our brains and other organs**. It would be foolish to assess the health and environmental impacts of these microscopic plastic fragments by looking only at one source at a time, say, lipstick or food wrappers or carpets. And yet, that is precisely the way EPA is proposing to evaluate chemical risks**.

Administrator Zeldin himself has been an outspoken supporter of the Make America Healthy Again (MAHA) movement, which clearly identifies the cumulative load of chemical exposures in our environment as a serious threat to our health, and particularly to children's development.

- **Ignoring *reasonably foreseen* exposures**

The Toxic Substances Control Act requires that EPA evaluate the full supply chain of the chemical substance, including circumstances under which the chemical is "known, intended and reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of."

Mr. Zeldin's proposal, however, appears to give EPA risk evaluators wide latitude to ignore some of the known, intended, and reasonably foreseen exposures. EPA writes, "The decision as to whether a circumstance is "intended, known, or reasonably foreseen" to occur necessarily involves the exercise of discretion, particularly as to whether an intention to take an action exists, or whether an occurrence is reasonably foreseeable… [O]nce a particular circumstance is

determined to be a condition of use, **EPA has discretion to exclude it** from the scope of the risk evaluation under TSCA section 6(b)(4)(D) (15 U.S.C. 2605(b)(4)(D))" (emphasis added).

The question of which chemical risks can reasonably be foreseen is critically important. As we saw in the Norfolk Southern train derailment disaster in East Palestine, Ohio, seemingly **unimaginable horrors can and do happen,** particularly when we are dealing with explosive and flammable carcinogens.

Already the U.S. averages one petrochemical spill, fire, or explosion every three days. Even when we narrow the lens to consider only freight transport, we know that three trains derail in the U.S. each day, and that as many as half may be carrying hazardous substances. The National League of Cities reports that over 65% of all derailments occurred within the boundaries of cities. Narrowing the lens even further to consider only rail transport of one chemical from one supplier, we know that *at any given moment* up to 36 million pounds of toxic vinyl chloride are being shipped via rail by America's largest producer, OxyVinyls, putting millions of Americans at risk. Every year, an estimated 1.5 billion pounds of this highly combustible and carcinogenic chemical are transported on bomb trains from OxyVinyls chemical plants in Texas to OxyVinyls and Orbia PVC plastics factories in NJ, IL, and Niagara Falls, Ontario. These are just a small snapshot from the transport sector of the multitude of toxic chemical "conditions of use" underway.

The resulting leaks, fires, and explosions are absolutely foreseeable -- the only questions are, in whose backyard or workplace will they occur next, and on which day? The firefighters who rushed in to protect East Palestine and surrounding communities from the disastrous Norfolk Southern derailment and detonation, and those who worked tirelessly to clean the waterways and remove the contaminated soils, faced unsettling exposures to vinyl chloride and other carcinogens. The courage and selflessness of these first responders are commendable. They should not have to pay for it with their lives. **EPA must not exclude spills, leaks, fires, explosions, and other known, intended, or reasonably foreseen exposures from its TSCA risk evaluations.**

EPA's shortsighted view of what might happen – what is "reasonably foreseen" -- is harder and harder to justify as our climate increases in temperature. Catastrophic events are becoming more common as extreme weather grows in ferocity and frequency. **Hurricanes, heatwaves, floods, droughts, and fire weather are nothing new, but burning fossil fuels have turbo-charged these events, harming life and limb on a massive scale.** These events bring about explosions, fires, and leaks at industrial facilities in addition to damaging houses and other infrastructure. The escalating risks are becoming regular and predictable. The human costs are immeasurable.

Consider another example, the January 2025 Los Angeles, California fires, the culmination of intense heat and vegetative dryness from eight months of near-zero rainfall, fanned by powerful Santa Ana winds. The firefighters and other emergency workers faced astronomically high levels of burning vinyl chloride, dioxins, and other toxic chemical exposures. PVC siding, flooring, wire

insulation, plumbing lines, molded furniture, wall coverings, and other products all became part of a raging toxic inferno.

There is increasing evidence that firefighters face elevated risks of cancers and other illnesses from the chemicals to which they are exposed, chemicals such as the combustion products benzene, polycyclic aromatic hydrocarbons (PAHs), and particulates, as well as asbestos, flame retardants, diesel exhaust, and the PFAS chemicals used in turnout gear and firefighting foams. Meta-analyses find higher mortality from rectal, testicular, brain and nervous system cancers, non-Hodgkin lymphoma, and other cancers. Increased rates of male and female breast cancer have been documented as well, potentially linked to firefighters' exposure to known breast-cancer triggers: PAHs, VOCs, PFAS, persistent organohalogens, and halogenated organophosphate flame retardants.

The Los Angeles fire left a toxic chemical nightmare in its wake, even in homes that were "spared." Scientists are finding intact houses full of arsenic, lead, beryllium, and other extraordinarily toxic chemicals, the result of burning headphones and other plastics, pesticides, paint, vehicles, microwave ovens, and construction materials, among other things. Insurers refuse to pay for testing, let alone remediation, leaving families stranded.

These horrible circumstances are a frightful but foreseeable result of the widespread use of extremely toxic chemicals in a rapidly heating climate. The Toxic Substances Control Act *was meant to protect us* against such chemicals.

- **Reducing chemical industry "burdens" while deleting "overburdened communities" as a population deserving consideration**

The Toxic Substances Control Act requires EPA to pay special attention to the risks to "potentially exposed or susceptible subpopulation[s]" who are at greater risk of harm because they are more exposed or more susceptible to harm from their exposures. TSCA gives examples of these vulnerable populations, "such as infants, children, pregnant women, workers, or the elderly," and makes clear that this is not an exclusive list.

In 2024, EPA added the term "overburdened communities" to this list of subpopulations, meaning people living at the fenceline, indigenous people who rely on locally-harvested, heavily-contaminated fish, shellfish, and other traditional foods, and other overexposed people. EPA explained that the term overburdened communities "describes situations where multiple factors, including both environmental and socio-economic stressors, may act cumulatively to impact health and the environment and contribute to persistent environmental health disparities. These situations may apply to communities with environmental justice concerns."

Mr. Zeldin's proposed removal of "overburdened communities" is a gut punch to the people who endure the most toxic air, water, and food. This includes communities of color and low-income people who are impacted by multiple pollution sources. People living in the

southeastern U.S. are among the worst harmed, including the approximately 4,374,000 people residing within 1.5 miles of 872 highly hazardous chemical facilities along the Gulf Coast, particularly in Texas, Florida, Louisiana, Mississippi, and Alabama.

The proposed rule offers hardly any explanation for its removal of "overburdened communities" except to say (1) that including "overburdened communities" would add to EPA's workload and "make it more difficult for EPA to meet its statutory deadlines," and (2) that two years ago a commenter claimed the term was overbroad and could be read to include exposures and susceptibilities not tied to the specific chemical substance being evaluated.

This paltry justification ignores what EPA scientists, EPA's inspector general, and external researchers have been documenting for years on the **recurrent, persistent and systematic patterns of pollution, economic marginalization, and public health vulnerability.** The Zeldin Framework Rules's single-pollutant, single-exposure risk evaluation paradigm does not come close to matching the reality on-the-ground. Communities face harmful chemical and nonchemical exposures that compound and exacerbate longstanding racial and social disparities.

We note that in its "request for comment," rather than ask for opinions on its deletion of "overburdened communities," EPA asks whether and how its proposal would "reduce burdens" for chemical manufacturers – without even considering that it will ***increase*** **the burdens** for the rest of us, including for the overburdened people living at the fenceline of polluting facilities.

Any regulatory compliance hassles faced by chemical companies pale in comparison to the harm and expense to lives that are shattered as a result of these petrochemical emissions.

- **Assuming that workers are protected by respirators and other personal protective equipment**

The proposed Framework Rule allows EPA to assume that workers are all using respirators and other personal protective equipment, thus minimizing their exposures. This assumption is unscientific and would lead to an underestimation of the risk to workers.

In truth, workers do not wear masks and other gear for a variety of reasons. For starters, many workplaces are not covered by Occupational Safety and Health Administration (OSHA) standards. This includes, for example, state and local government workers, self-employed workers, military personnel, and workplaces regulated by other federal agencies.

And even for work sites covered by OSHA, the OSHA rules do not keep workers safe: **Most of OSHA's standards are more than a half century old. OSHA's Permissible Exposure Limits are based on 1968 Threshold Limit Values** – and some are decades older. Back then the risks (and the need for protection) were not understood. Incredibly, the relevant standards for chemical exposures have not been updated, for reasons that have nothing to do with science. OSHA

readily acknowledges that its standards are "dangerously out of date" and "inadequate for ensuring protection of worker health."

On top of this, many employers remain out of compliance with OSHA standards, and even if they offer protective gear, it may not fit or function properly nor come with appropriate training. Things like facial hair and eye glasses can also get in the way of a proper seal. And some people are simply are not able to wear respirators, for example if they have certain medical conditions like heart disease, lung disease, or claustrophobia. Respirators can make it hard to breathe.

To assume that all workers are wearing properly fitted, well-functioning respirators and impermeable gloves will lead EPA to miscalculate and understate the risks.

- **Excluding conditions of use and exposure routes and pathways covered by other rules**

TSCA was designed to offer the American public comprehensive protection from toxic chemicals. The law requires TSCA risk evaluations to consider all relevant exposure routes and pathways including those regulated under other federal statutes. Under TSCA section 9, the law mandates that EPA coordinate with other agencies and share information, where there is overlapping regulatory authority, so as not to duplicate effort. But each of the overlapping laws are different in what they require or leave out – for example in whether they consider the manufacturer's costs in the risk assessment. Therefore TSCA does not allow EPA to omit from its evaluation the conditions of use that are covered by other laws.

Nonetheless, in its risk evaluations for the first ten chemicals evaluated under TSCA section 6, in President Trump's first term, EPA did just that -- they illegally excluded exposure pathways that could be covered by other regulatory programs under the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act, and Comprehensive Environmental Response, Compensation, and Liability Act.

This contravened the Congressional intent and the plain language of TSCA. Instead of building certainty and confidence in the safety of existing chemicals in the marketplace, EPA did the opposite.

Now Mr. Zeldin's Framework Rule proposes to repeat that regrettable history by deleting 40 CFR 702.39(d)(9), which holds that "EPA will assess all exposure routes and pathways relevant to the chemical substance under the conditions of use, including those that are regulated under other federal statutes."

In other words, under this proposal, EPA can exclude from the scope of TSCA risk evaluations exposure pathways that are addressed or could in the future be addressed by other EPA-

administered statutes and regulatory programs or under another Federal law administered by another agency. This is contrary to law.

- **Reducing transparency and accountability in manufacturer-requested risk evaluations**

As part of its effort to relieve the "burdens" of the "regulated community," EPA also seeks to limit the information that manufacturers must submit when they are requesting risk evaluations of chemicals.

The proposal would give chemical companies a surprising degree of discretion over what information they submit to EPA. Mr. Zeldin's EPA claims that this would make the risk evaluation process more efficient, but in actual fact it would be far more sensible to ask manufacturers to conduct due diligence (including a thorough search of publicly available information, a review within the manufacturer's organization, and inquiries to upstream suppliers, downstream users, and employees and other agents of the manufacturer) and to include from the outset all relevant information that EPA needs to make its determination, as is stipulated under the current framework. **Allowing manufacturers to submit heavily redacted or vague requests will advance neither efficiency nor scientific accuracy.**

- **Allowing "de minimis" use of toxic chemicals**

The Zeldin EPA's proposed Framework Rule seeks to allow EPA "to exclude exposure routes and pathways that the reasonably available information indicates are unlikely to result in exposures that exceed *de minimis* levels." This is at odds with TSCA and with science**. Small amounts of carcinogens, endocrine disruptors, and other toxic chemicals can have an outsized effect on human health, triggering a range of life-altering and life-ending conditions. Moreover, small amounts individually may contribute to unreasonable risk when considered in aggregate.** The law requires EPA to **include** these exposures in the scope of the risk evaluation.

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The Toxic Substances Control Act was written to safeguard children and all people from the carcinogenic, reproductive, developmental, hormonal, neurotoxic, gastrointestinal, respiratory, cardiovascular, and other harms triggered by toxic chemicals. And yet, hidden in this extremely dense and dreary proposed Framework Rule, we find highly consequential amendments that would threaten the safety of our air, food, and water. EPA should not adopt any of the proposed revisions.

Respectfully submitted,

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