

December 23, 2022

Carolyn Hoskinson, Director
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code: 5301P
Washington, DC 20460
Hoskinson.Carolyn@epa.gov

Re: Center for Biological Diversity 2014 RCRA Petition to List PVC as Hazardous V

Dear Director Hoskinson:

The undersigned associations represent virtually every facet of the US economy; from healthcare to agriculture, from water infrastructure to housing, and all the men and women whose livelihoods depend on the manufacture, assembly and recycling of PVC (Polyvinyl Chloride) products that allow for and enhance our modern way of life. Simply put, the CBD Petition to list (e) oPt

the Toxic Substances Control Act (TSCA) for decades, moreover, the vast majority of PVC

The CBD's Petition is inconsistent with Executive Order (E.O.) 12866, which established criteria for "a regulatory system that works and urges agencies seeking to promulgate regulations to assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating." Even without a formal regulatory impact analysis, it is obvious that the requested hazardous waste listing would be a significant regulatory action that would exceed the \$100 million annual effect on the economy and trigger multiple aspects of E.O. 12866. Besides the economic and productivity disruptions, the proposed action would conflict with other EPA Office of Resource Conservation and Recovery programs such as the Office's circular economy efforts.

Finally, much has changed since the Petition was initially filed in 2014. EPA is already undertaking comprehensive reviews of the hazardous chemicals discussed in the Petition under the 2016 amendments to TSCA, and Congress has already directed how marine waste should be addressed in 2020 with the enactment of the Save Our Seas 2.0 Act. Moreover, granting the petition and regulating as hazardous waste material that has been demonstrated safe over decades would cause significant disruptions to multiple sectors across our economy when the post-pandemic recovery remains fragile and vulnerable to other ongoing crises and would undermine implementation of circular economy practices.

For all these reasons, EPA should deny the 2014 CBD Petition to regulate discarded polyvinyl chloride (PVC or vinyl) as hazardous waste.

Sincerely,

American Chemistry Council
Associated General Contractors
Chemistry Council of New Jersey
Chemical Fabrics and Film Association
Chemical Industry Council of Illinois
Chlorine Institute
Flexible Vinyl Alliance
Hydraulic Institute
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Louisiana Chemical Association
Massachusetts Chemistry and Technology Alliance
Michigan Chemistry Council
National Association of Manufacturers
National Electrical Manufacturers Association
National Roofing Contractors Association
National Association of Chemical Distributors
National Association of Clean Water Agencies
National Association of Home Builders
New York State Chemistry Council
Ohio Chemistry Technology Council
Plastic Pipe and Fittings Association
PVC Pipe Association
Water and Wastewater Equipment Manufacturers Association
Society of Chemical Manufacturers and Affiliates
Single Ply Roofing Industry
Spay Polyurethane Foam Alliance
United States Chamber of Commerce
Water Systems Council
Vinyl Institute
Vinyl Siding Institute