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July 6, 2016

Dear ILMA Member:

**Re: Regulatory Status of MCCPs and LCCPs**

ILMA is aware of marketplace misinformation about the prospective availability of medium-chain chlorinated paraffins (MCCPs) and long-chain chlorinated paraffins (LCCPs) used in certain metalworking fluids. Specifically, statements are being made that the Environmental Protection Agency (EPA or Agency) will phase out or ban the manufacture and importation of MCCPs and LCCPs by “mid-2017.” It is the Association’s opinion that this date is illusory and has no regulatory or legal significance.

The mid-2017 date has been mentioned twice by EPA officials. The first mention was as part of a presentation at the ILMA-sponsored 5th International Conference on Metal Removal Fluids in September 2015. The second mention was during the Small Business Administration’s Office of Advocacy Environmental Roundtable in October 2015.

There has been no mid-2017 phase out or ban date for MCCPs or LCCPs stated in any correspondence and communications between EPA and the companies that have pre-manufacture notices (PMNs) for those substances currently under review by the Agency.

Further, any EPA final action on MCCPs and LCCPs does not appear on either the Agency’s semi-annual regulatory agenda or the Obama Administration’s “short list” of actions to be completed before it leaves office next January 20.

In order for EPA to enforce a cessation of manufacture or importation of MCCPs or LCCPs through the PMN process, the Agency would have to issue consent orders under Section 5(e) of the Toxic Substances Control Act. If EPA and the PMN submitters cannot mutually agree to the terms of Section 5(e) consent orders, then the Agency would have to go to court to enforce them. ILMA does not see the consent order process concluding by mid-2017, particularly if EPA must obtain a court order.

ILMA has been working diligently with other industry groups in urging EPA to conduct external peer review of its draft risk assessments for MCCPs and LCCPs. The Association believes that external peer review is required by both EPA and Office of Management and Budget policies. ILMA expects that the Agency will make a decision on whether to initiate external peer review by the end of August. Assuming that EPA goes forward with the external peer review, this process will not be completed in time for a mid-2017 phase out or ban.

While EPA hopes the marketplace will move away from MCCPs and LCCPs by the mere possibility of Agency action, the “mid-2017” date to cease manufacture or importation of MCCPs and LCCPs lacks any legal or regulatory effect.

If you have any questions, please contact Holly Alfano ([halfano@ilma.org](mailto:halfano@ilma.org)), Jeff Leiter ([jleiter@bmalaw.net](mailto:jleiter@bmalaw.net)) or Daniel Bryant ([dbryant@bmalaw.net](mailto:dbryant@bmalaw.net)).

Sincerely,

Holly Alfano  
CEO

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