



February 9, 2026

Doug Troutman
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Dear Assistant Administrator Troutman:

As members of the Chlor-Vinyl Industry Alliance¹ (“Alliance”), a council of the Vinyl Institute² (“VI”), we write to request that EPA promptly seek an amendment to the consent decree that the U.S. District Court for the District of Columbia entered on November 22, 2024, regarding high-priority chemical risk evaluation deadlines (“Consent Decree”). The deadlines that the Biden EPA acquiesced to for the EPA initiated risk evaluations were from the outset wholly unworkable.

Remarkably and without precedent, EPA agreed to finalize no fewer than 17 risk evaluations within approximately two years, many of which were in the initial stages of development in November 2024. Even more astonishing, not a single one of the 10 remaining EPA initiated risk evaluations covered by the Consent Decree – that are to be finalized within about 13 months from today – have been issued in draft form. Despite the herculean efforts by the current EPA, it is time for EPA to seek a more realistic and sensible timeframe to complete the remaining risk evaluations, a timeframe that benefits not only stakeholders impacted by risk evaluations but EPA staff as well.

Risk evaluations by their very nature are multi-year, extraordinarily complicated, resource-intensive scientific documents. In addition to the many months required to draft a risk evaluation that fully complies with TSCA scientific standards, EPA must also seek input on a draft risk evaluation through inter and intra-agency review, public comment, and peer review. Truncating or skipping any of these critical steps by, for example, failing to fully consider and respond to public comment, may lead to flawed risk management rules, subjecting both the rule and underlying risk evaluation to legal challenges.

¹ Scores of companies and trade associations throughout the PVC value chain actively participate in the Alliance by promoting sound science and advocating for a fair and reasonable implementation of TSCA and its regulations.

² The Vinyl Institute (VI), established in 1982, represents the leading producers of vinyl chloride and other monomers, vinyl resins, and ingredient and additive producers for vinyl compounds. The VI serves as the collective voice for the vinyl industry. More information can be found at www.vinylinfo.org.



Yet, the current unreasonable deadlines are limiting public comment opportunities and peer review. The draft 1,2-dichloroethane risk evaluation, for example, will not be peer-reviewed by the SACC or any other peer review body. Moreover, public comment has been limited to 60 days. As VI stated in its recent extension request, that was subsequently denied, “The standard 60-day comment period is insufficient time for stakeholders to review and digest 4,000+ pages of highly technical information and respond with meaningful comments. This is especially true considering the nine substantive changes to the COUs from the final scope document.”³

Further complicating ongoing risk evaluations, EPA recently issued for public comment substantive changes to the EPA procedures for chemical risk evaluations under TSCA. In short, these changes aim to undo the current, unworkable risk evaluation procedural regulations of the Biden EPA that are untethered to TSCA’s statutory text, structure, and Congressional intent. EPA plans to finalize these regulations later this year. But meanwhile, risk evaluations issued to date, including those that are subject to the Consent Decree, reflect the current, unlawful procedural rule.⁴ And in ongoing litigation involving TSCA risk management rules, the presiding court has placed the cases in abeyance so that EPA can reconsider key aspects of the current risk evaluation procedural rule.

The Alliance respectfully requests that EPA seek to amend the Consent Decree to accommodate a more realistic and workable schedule to finalize the remaining EPA initiated risk evaluations and to ensure that they are governed by a revised risk evaluation procedural rule. We would be pleased to meet with you to discuss this issue. Please contact David Fischer at fischer@khlaw.com. Thank you for your attention to this important matter.

Sincerely,

American Fuel & Petrochemical Manufacturers
Charlotte Pipe and Foundry
Coated Fabrics and Film Association
Communications Cable & Connectivity Association
Formosa
Global Organotin Stewardship Council
Leading Builders of America
Lubrizol Corporation
National Roofing Contractors Association

³ Env’t Prot. Agency, Draft Risk Evaluation for 1,2-Dichloroethane (Nov 19, 2025) at 281 Table Apx. D-1.

⁴ 90 Fed. Reg. 45690, 45,691 (“Specifically, EPA is proposing to amend the regulations at: 40 CFR 702.31 so that the changes to the procedures as part of this rulemaking would be applied to all risk evaluations initiated on or after the date of the final rule and would be applied to risk evaluations that are in process as of the date of the final rule, but not yet finalized, to the extent practicable...”).



National Electrical Manufacturers Association
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Polymeric Exterior Products Association
PRINTING United Alliance
PVC Pipe Association
Resilient Floor Covering Institute
Teknor Apex Company
Vinyl Institute
Westlake

cc: David Fotouhi, Deputy Administrator
Sean Donahue, General Counsel
Nathaniel Tisa, Deputy General Counsel
Adam R.F. Gustafson, Principal Deputy Assistant Attorney General