



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

REGULATORY ALERT

EPA's Action Plan Summary for Chemicals Used in Dyes, Flame Retardants, and Industrial Detergents

This information was prepared by NASA's Principal Center for Regulatory Risk Analysis and Communication (RRAC). An archive of regulatory alerts, summaries, and other information is posted on the RRAC PC website at <http://www.nasa.gov/offices/rrac/home/>. If you have further questions and/or need assistance, please contact Sharon Scroggins/MSFC (256-544-7932, sharon.scroggins@nasa.gov).

Date [Citation]: 18 August 2010 [[Action Plans](#)]

Regulatory Agency: U.S. Environmental Protection Agency

Rulemaking Type: Chemical Action Plans

Title: Chemical Action Plans for Benzidine Dyes, Nonylphenol and Nonylphenol Ethoxylates, and Hexabromocyclododecane.

Summary:

On 18 August 2010, the U.S. Environmental Protection Agency (EPA) issued chemical action plans for [benzidine dyes](#), [hexabromocyclododecane \(HBCD\)](#), and [nonylphenol \(NP\)/nonylphenol ethoxylates \(NPEs\)](#). Planned actions under the Toxic Substances Control Act (TSCA) on these chemicals include adding HBCD and NP/NPE to EPA's new Chemicals of Concern list; issuing significant new use rules (SNURs) under TSCA Section 5(a)(2) for all three substances; and, for HBCD and benzidine dyes, imposing new reporting requirements related to EPA's Toxics Release Inventory (TRI) and potentially banning or limiting the manufacture or use of the substances.

Dyes based on benzidine and its congeners are used in the production of consumer textiles, paints, printing inks, paper, and pharmaceuticals. HBCD is used as a brominated flame retardant as well as an additive in expanded polystyrene foams used in construction and consumer products. NP/NPEs are used in products such as detergents, cleaners, pesticides, food packaging, and other industrial applications.

On the basis of EPA'S screening-level review of hazard and exposure information, the Agency intends to undertake the following hazard mitigation actions:

- Initiate rulemaking to add four benzidine-based dyes to the existing SNUR for benzidine-based substances at [40 CFR 721.1660](#).
- Prepare a proposed SNUR for benzidine congener-based dyes.
- Initiate a rulemaking to simultaneously propose a SNUR and a test rule for NP/NPEs.
- Consider initiating a rulemaking under Section 5(b)(4) of TSCA to add NP/NPEs and HBCD to the list of chemicals that (may) present an unreasonable risk of injury to health or the environment. EPA plans to publish a notice of proposed rulemaking by the end of 2011.
- Initiate rulemaking in late 2011 to add NP/NPEs and HBCD to the TRI list.
- Prepare a proposed SNUR to designate manufacture or processing of HBCD for use as a flame retardant in consumer textiles as a significant new use, which would require EPA approval before using HBCD in such applications.
- Support and encourage the voluntary phase out of the use of NPEs in industrial laundry detergents.

Potential Impacts to NASA:

Some manufacturers and vendors may proactively choose to phase out or reformulate products containing benzidine-based dyes, HBCD, NP/NPEs, and other materials due to anticipated future regulatory restrictions. NASA should be aware that materials incorporating these substances may pose a future obsolescence risk.

Additional Information:

EPA Action Plan Website: <http://www.epa.gov/oppt/existingchemicals/pubs/ecactionpln.html>