

PEER Petitions EPA for TSCA Rule Prohibiting Oil Refineries from Using Hydrofluoric Acid in Manufacturing Processes

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The U.S. Environmental Protection Agency (EPA) posted an August 7, 2019, [petition for rulemaking](#) submitted by the **Public Employees for Environmental Responsibility (PEER)** under Section 21 of the **Toxic Substances Control Act (TSCA)**. PEER asks that oil refineries be prohibited from using hydrofluoric acid in their manufacturing processes and that oil refineries be required to phase out the use of hydrofluoric acid within two years. According to PEER, TSCA and the Clean Air Act (CAA) regulate hydrofluoric acid and provide the statutory authority for EPA to issue a regulation prohibiting the use of hydrofluoric acid in oil refineries. PEER states that under TSCA, EPA “possesses the power to promulgate rules banning chemicals that pose an unreasonable risk to human health.” If the EPA Administrator determines that the “manufacture, processing, distribution in commerce, use, or disposal of a chemical substance . . . presents an unreasonable risk of injury to health or the environment,” TSCA Section 6(a) provides EPA the authority to prohibit or otherwise restrict “the manufacture, processing, or distribution in commerce of such substance or mixture for (i) a particular use.” PEER argues that the EPA Administrator could ban the use of hydrofluoric acid in refineries if the Administrator found that its use in that context presented an unreasonable risk to health or the environment. PEER maintains that the use of hydrofluoric acid presents such a risk.

EPA [sent a letter](#) to PEER on August 16, 2019, confirming receipt of its petition and noting that Section 21 provides the Administrator 90 days to grant or deny the petition. If the EPA Administrator grants the petition, the Administrator will “promptly commence an appropriate proceeding [sic].” If the Administrator denies the petition, the Administrator will publish the reasons for the denial in the *Federal Register*.

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