

INHANCE TECHNOLOGIES

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July 27, 2023

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Regan:

Inhance Technologies (Inhance) welcomes the July 25 letter from Congresswoman Jennifer McClellan (D-VA) and her House colleagues and embraces the principles in her letter. These include, in particular, recognizing the critical importance of increased transparency, the reliance on sound science, complete evidence, independent experts, and a rigorous, comprehensive, and peer-reviewed risk assessment process in connection with the United States Environmental Protection Agency's (EPA) evaluation of per- and polyfluoroalkyl substances (PFAS).

As you know, EPA's regulation of PFAS is particularly relevant to Inhance because we submitted significant new use notices (SNUNs), in connection with our fluorination technology, to EPA last year. I write to provide further context about Inhance's fluorination technology and the ongoing efforts we are pursuing regarding the unintentional formation of minute quantities of PFAS, as an impurity, during the fluorination of certain plastics.

Inhance has served customers with its fluorination technology for 40 years and is committed to continuing safe operations that are protective of its workers, local communities, the public, and the environment. As noted in Congresswoman McClellan's letter, Inhance treats over 200 million articles per year. Inhance's fluorination technology plays a critical role in many domestic supply chains because it uniquely imparts needed barrier protection on plastic containers. And because the barrier protection Inhance imparts allows containers to resist the transmission of their contents through the walls of the container, Inhance's fluorination technology provides a host of human health, safety, and environmental benefits. In fact, in many instances, fluorination is required to meet regulatory requirements and protect human health and the environment, including for the transportation and storage of petroleum-based products (preventing more than 50 million gallons of evaporative emissions of gasoline annually) and pesticides in plastic containers. Sectors that rely heavily on the fluorination technology include crop protection (e.g., soybeans, cotton and corn), fuel systems, and healthcare (e.g., rigid cold chain packaging that ensures in the safe transportation of vaccines and vital biologic medicines). All told, Inhance's fluorination technology is vital to the supply chain in numerous sectors, contributing an economic value worth tens of billions of dollars of domestic activity annually and supporting thousands of jobs across dozens of states.

While Inhance disputes that EPA's 2020 Significant New Use Rule (SNUR) – referenced in Congresswoman McClellan's letter – applies to its fluorination technology, Inhance has taken multiple steps to work with EPA after discovering the potential for unintentional impurities to form during the fluorination process. This includes, for example, voluntary robust testing of treated containers and

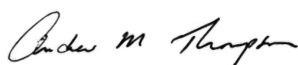
submitting the SNUNs to EPA.¹ Our SNUNs submission included what EPA has acknowledged was a robust and thorough quantitative risk assessment performed by a highly qualified third-party, demonstrating that the miniscule formation of PFAS impurities in the fluorination process does not pose an unacceptable risk to humans or the environment. Inhance welcomes the opportunity to make this risk assessment available for independent and peer reviews. The submission of the SNUNs, and associated risk assessment, allowed Inhance to work in good faith with EPA to demonstrate that our technology can continue to be practiced in a manner that does not pose an undue risk to workers, human health, or the environment.

In addition, Inhance has researched and developed treatment modifications to successfully reduce PFAS impurities unintentionally formed during fluorination by greater than 90%. In most instances, this has resulted in PFAS being undetectable in articles that we fluorinate. To the extent that any PFAS remains present, our testing verifies that we can treat 25 million pounds of plastic packaging articles annually while generating less than 15 grams. That amount represents 0.00000002% of the approximately 85,000 tons of PFAS generated domestically by other industries every year.² Nonetheless, we continue to conduct research and have identified additional treatment modifications to further reduce and eliminate PFAS impurities.

Consistent with the sound principles raised by Congresswoman McClellan, Inhance agrees that EPA's review of its SNUNs should include input from leading risk assessment experts, rely upon a data-driven approach that ensures relevant data and analyses are fully considered by the agency, and transparently assess any risks of potential PFAS exposures. This approach will ensure that any protective measures requested by EPA are driven by sound science. Particularly with the public and political interest in PFAS, these steps will also build confidence that EPA is fairly, objectively, and thoroughly performing its regulatory role in assessing the unintended formation of PFAS that occurs during the fluorination process. This approach is also consistent with your emphasis on "following the science, following the law, and bringing all stakeholders to the table" in evaluating PFAS risks.³

Inhance looks forward to continuing to work with EPA to complete a transparent, scientifically sound, and data-driven evaluation of our fluorination technology.

Sincerely,



Andrew M. Thompson
President & CEO
Inhance Technologies

¹ Because Inhance disagrees that the SNUR is applicable to its fluorination process, the SNUNs were submitted by Inhance subject to a reservation of rights.

² U.S. EPA, *Multi-Industry Per- and Polyfluoroalkyl Substances (PFAS) Study – 2021 Preliminary Report* (September 2021) at 5-2 to 5-3 (available at: www.epa.gov/system/files/documents/2021-09/multi-industry-pfas-study_preliminary-2021-report_508_2021.09.08.pdf).

³ U.S. EPA, *PFAS Strategic Roadmap: EPA's Commitments to Action 2021-2024* at 1 (A Note from EPA Administrator Michael S. Regan) (available at: https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap_final-508.pdf).

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cc: Congresswoman Jennifer L. McClellan (D-VA)
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 Congressman Raul M. Grijalva (D-AZ)
 Congresswoman Barbara Lee (D-CA)
 Congressman Jesus G. "Chuy" Garcia (D-IL)
 Congresswoman Eleanor Holmes Norton (D-DC)
 Congresswoman Melanie Stansbury (D-NM)
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