

# United States Senate

WASHINGTON, DC 20510

January 9, 2023

The Honorable Michael Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Mail code 1101A  
Washington, DC 20460

Dear Administrator Regan,

We write regarding the ongoing Environmental Protection Agency (“EPA”) review of the Denka Performance Elastomer LLC (“DPE”) facility in LaPlace Louisiana, the only manufacturing facility of chloroprene rubber in the United States, to request that the EPA designate a scientific update of the cancer risk assessment in the 2010 *Toxicological Review of Chloroprene* (“Chloroprene Review”) as a national program priority.

We understand that EPA has prioritized enforcement resources to evaluate chloroprene emissions from the Denka Performance Elastomer LLC facility. Yet, in denying the Request for Correction in 2021, and in denying the Request for Reconsideration on October 19, 2022, EPA stated it is not required to update the IUR based on the more accurate PBPK model submitted to EPA in 2021 and based on updated epidemiological and health data submitted with the Request for Correction. EPA stated that the agency did not have the resources for such an update because chloroprene is not a national or regional priority. We urge you to prioritize incorporating this information into the chloroprene IUR to ensure that Louisiana communities and EPA are adequately and appropriately informed using the most accurate and up to date science.

We believe it is imperative that the EPA rely on good science, and a fully functioning Integrated Risk Information System (IRIS) program that uses the best available and most relevant science for its assessment is also key –particularly as we believe an update of the cancer risk assessment for chloroprene should be a national priority. Such an update would resolve a key source of uncertainty for the Louisiana Department of Environmental Quality (“LDEQ”) and Louisiana communities. In light of the outsized role of the Toxicological Review of Chloroprene on community perceptions and agency decision-making, we are concerned that the best available science is not being substantively considered and integrated.

Since 2016, EPA, LDEQ, and DPE have worked together to facilitate the reduction of chloroprene emissions from DPE’s facility. In January 2017, LDEQ and DPE, with EPA’s guidance and support, executed an Administrative Order on Consent (“AOC”), pursuant to which DPE voluntarily reduced chloroprene emissions at the LaPlace facility by 85%. To achieve these emission reductions, DPE installed a regenerative thermal oxidizer and other emissions control equipment. In May 2020, LDEQ determined that DPE had achieved the agreed-upon 85% emission reductions in accordance with the AOC.

EPA’s 2010 Toxicological Review of Chloroprene Review established an inhalation unit risk (“IUR”) of  $5 \times 10^{-4}$  per  $\mu\text{g}/\text{m}^3$ , based on the default assumption that humans are as sensitive to

chloroprene as the most sensitive laboratory mouse in exposure experiments. Based on the IUR, an official from EPA's Office of Research and Development (ORD) issued a memo to Region 6 in 2016 stating that the chloroprene concentration associated with a 1-in-10,000 cancer risk level was  $0.2 \mu\text{g}/\text{m}^3$ . EPA associated this chloroprene IUR with the highest environmental risk of cancer in the country.

Since then, LDEQ, EPA, and DPE were able to reach consensus on the AOC and provide meaningful emission reductions, while respecting legal limitations and scientific uncertainty. In September 2019, the Director of EPA's Office of Air Quality Planning and Standards ("OAQPS") informed the Secretary of LDEQ by letter that  $0.2 \mu\text{g}/\text{m}^3$  "is not based on an evaluation of current, real world exposures, is not an air quality standard, and . . . not used directly for regulatory purposes. . . . Furthermore, the risks calculated using the [IUR], such as 100-in-1-million, is not a 'bright line' for determining whether a risk level is considered safe or acceptable." We all know this is but one factor.

The Peer Review Panel for the 2010 Toxicological Review of Chloroprene raised technical concerns that (i) the IUR overestimated cancer risk to humans by relying entirely on a data from one type of mouse, and only the female mouse, and (ii) the review failed to use a Physiologically-Based Pharmacokinetic ("PBPK") model, which may have provided a more scientifically robust approach for translating the exposure risk observed in mice to corresponding human exposure. In 2017, we, along with Representatives Garret Graves and Clay Higgins, wrote a letter to EPA Administrator Pruitt to identify concerns with the Toxicological Review of Chloroprene.

The uncertainty in the community surrounding the DPE facility for more than a decade has not served our constituents well. For example, cancer incidence data published by the Louisiana Tumor Registry fails to support the suggestion of extreme cancer risk put forth by EPA. In fact, its most recent report lists incidence rates in the parish in which the Facility is located among the bottom 25 percent of Louisiana parishes. A subsequent audit by Louisiana State University in 2020-2021 confirmed that the Louisiana Tumor Registry had not omitted relevant cancer cases in the timeframe studied. Recently, an update to the Louisiana Tumor Registry was published that reported that St. John the Baptist Parish remained within the bottom 25 percent of cancer incidence rates in Louisiana for the 2015-2019 period. Notably, the results show that incidence of lung and liver cancer (the types of cancer deemed most concerning in the Toxicological Review of Chloroprene) are below average compared to corresponding state incidence rates.

In light of the Agency's resource priorities, we urge EPA to prioritize updating the science that is driving the expenditure of these resources. Given the significant weight EPA has placed on the chloroprene IUR and the concerns it has created in the surrounding community, we request that EPA designate an update to the IUR as a National Program priority need. We owe to our constituents the assurance that key information reflects the best available and most current science.

We appreciate your attention to this important matter. Given the importance of chloroprene rubber products to the U.S. military, medical facilities, and many other industries across the United States, any rushed action on the facility could have a national impact. We are confident that these types of complex, technical issues are better positioned to move forward when all parties operate from

of complex, technical issues are better positioned to move forward when all parties operate from a common understanding of the best available science. Please do not hesitate to contact us with questions.

Sincerely,



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John Kennedy  
United States Senator



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Bill Cassidy, M.D.  
United States Senator