

Hydrogen Fluoride/Domestic Oil Refining: Clean Air Council Submits Toxic Substances Control Act Petition to U.S. Environmental Protection Agency



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The Clean Air Council and two other environmental organizations filed a February 11th submission with the United States Environmental Protection Agency (“EPA”) styled:

PETITION TO PROHIBIT THE USE OF HYDROGEN FLUORIDE IN DOMESTIC OIL REFINING UNDER SECTIONS 21 AND 6(A) OF THE TOXIC SUBSTANCES CONTROL ACT (“Petition”).

The other two organizations joining the Petition include:

- Communities for a Better Environment.
- Natural Resources Defense Council.

(Collectively, “Clean Air Council”).

The Petition is filed pursuant to Section 6(a) and 21 of the Toxic Substances Control Act (“TSCA”). See 15 U.S.C. §§ 2605(a) and 2620.

The Clean Air Council argues that TSCA requires EPA to prohibit the use of hydrogen fluoride in domestic oil refining to eliminate unreasonable risks its use presents to public health and the environment.

Section 6 of TSCA provides that if EPA determines that a chemical substance or a particular use of that substance is found to present unreasonable risk to the health or the environment. If so, that the federal agency is required to exercise its authority to eliminate those risks.

The statute also includes a provision that enables any person to petition EPA to initiate a proceeding for the issuance of a rule under Section 6. EPA is then given 90 days to either grant or deny a Section 21 petition.

The Clean Air Council argues that its Petition sets out facts establishing why EPA must establish a Section 6(a) rule prohibiting the use of hydrogen fluoride in domestic oil refining to eliminate unreasonable risk to public health and the environment. The organizations argue that TSCA requires the EPA to issue such a rule because the Petition identifies:

1. A “chemical substance” (hydrogen fluoride) that presents,

2. under one or more “conditions of use” (the use of hydrogen fluoride for alkylation at U.S. refineries, and the rail and truck transportation needed to supply hydrogen fluoride to those refineries)
3. an unreasonable risk to health or the environment.

A copy of the Petition can be downloaded [here](#).