



February 13, 2023

Barry Breen
Acting Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: Response To Petition To Classify Discarded Polyvinyl Chloride as RCRA Hazardous Waste, Docket No. EPA-HQ-OLEM-2022-0971; FRL-10181-01-OLEM

Dear Assistant Administrator Breen:

The National Demolition Association (NDA) represents nearly 500 U.S. and Canadian companies that offer standard demolition services as well as a full range of demolition-related services and products. NDA educates members on the latest advances in equipment and services, provides educational programs and tools to stay abreast of regulatory and safety matters and keeps regulators informed about issues in our industry. NDA also increases public awareness of the economic and societal benefits of demolition.

NDA writes today in response to the Environmental Protection Agency's (EPA) recent decision to tentatively deny a 2014 rulemaking petition from the Center for Biological Diversity (CBD) regarding polyvinyl chloride (PVC). The petition requested that discarded PVC and associated chemical additives be listed as a hazardous waste under the Resource Conservation and Recovery Act (RCRA).¹ In its ruling to deny the petition, the EPA indicated that the petition did not adequately support regulation of discarded PVC under the RCRA. Further, the EPA stated that the resources the agency would have to allocate to list PVC as a hazardous waste are "unwarranted and would preclude the EPA from pursuing more pressing rulemakings, implementation, and reviews with respect to currently identified hazards under the RCRA."²

NDA strongly supports the EPA's decision to deny the rulemaking petition to list discarded PVC as a hazardous waste under the RCRA. Polyvinyl chloride is a widely used material that has several different applications across the building and construction industry. According to the Vinyl Institute, around 70% of all PVC produced is used in building and construction applications.³ As such, any regulation from the EPA to list PVC as hazardous waste would have significant implications for contractors engaged in the demolition of buildings and other structures.

NDA agrees with the EPA that the petition fails to establish a compelling and scientific case for regulating discarded PVC as hazardous waste under the RCRA. As detailed by the EPA in their ruling, the petitioners do not cite sufficient evidence that a new regulation would have any meaningful impact in reducing exposure to phthalates, including phthalates used as plasticizers in some PVC products.⁴

¹ 88 FR 2090

² 88 FR 2091

³ Vinyl (PVC) building materials. Retrieved February 6, 2023, from <https://www.vinylinfo.org/uses/building-and-construction/>

⁴ 88 FR 2091

Further, when examining the RCRA, it is clear that existing provisions in the law already regulate the process for handling end-of-life PVC and address the main concerns cited by the petitioners.

In addition to having minimal environmental benefits, listing discarded PVC as a hazardous waste under the RCRA would result in negative unintended consequences for the demolition industry by needlessly increasing red tape and legal exposure for contractors. All of which would contribute to diminished economic growth and job creation in the construction sector. Moreover, given the prevalence of PVC in construction, any new regulations that discourage the use of PVC would exacerbate ongoing supply chain shortages and increase building material costs, affecting both small businesses and consumers.

To conclude, NDA believes the petition by the Center for Biological Diversity is unnecessary and unwarranted when factoring in the existing environmental protections provided by the RCRA along with the detrimental impact new regulations would have on the economy. NDA urges the EPA to uphold their initial ruling and permanently deny the rulemaking petition to list discarded PVC as a hazardous waste under the RCRA.

Thank you for the opportunity to provide comment on this issue. For any questions, please contact NDA's Director of Government Affairs Alex McIntyre at amcintyre@demolitionassociation.com.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lambert", written in a cursive style.

Jeff Lambert
Chief Executive Officer
National Demolition Association (NDA)