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Section 112 Hazardous Air Pollutants/Clean Air Act: U.S. Environmental Protection Agency Adds 1-Bromopropane

01/06/2022

The United States Environmental Protection Agency ("EPA") published a final rule in the January 5th Federal Register amending the list of Clean Air Act hazardous air pollutants ("HAP") to add 1-bromopropane ("1-BP"). See 87 Fed. Reg. 393.

EPA states this is the first time it has added a substance to the Clean Air Act HAP list since it was created by Congress in 1990.

Clean Air Act HAPs are those pollutants that are known or suspected to cause cancer or other serious health effects.

In the 1990 amendments, Congress designated pursuant to Section 112 of the Clean Air Act an initial list of 188 HAPs.

The 1990 amendments also required EPA to list categories of sources emitting these HAPs and promulgate National Emission Standards for Hazardous Air Pollutants ("NESHAPs") in order to reduce such emissions from these categories. Emission limits are required to be developed for each category of sources.

After establishing a source category, EPA is required to develop applicable technology-based emission standards. The prescribed standards may mandate the use of control equipment, process changes, additional maintenance, and/or material substitution. Once the technology-based standards have been imposed, the agency is required to report to Congress on the remaining risk to public health and suggestions for further legislation.

Section 112(b)(3)(A) provides that any person may petition EPA to modify the list of HAPs contained in Section 112(b)(1) to add or delete a substance. The agency is required to add a substance to the Section 112(b)(1) list:

... upon a showing by the petitioner or on the Administrator's own determination that the substance is an air pollutant and that emissions, ambient concentrations, bioaccumulation or deposition of the substance are known to cause or may reasonably be anticipated to cause adverse effects to human health or adverse environmental effects.

EPA is required to either grant or deny a petition within 18 months of the receipt of a complete petition by publishing a written explanation of the reason for the Administrator's decision.

EPA states that the Halogenated Solvents Industry Alliance and New York State Department of Environmental Conservation submitted petitions requesting that EPA add 1-BP to the Clean Air Act Section 112(b)(1) HAP list on October 28, 2010, and November 24, 2011, respectively.

The federal agency states it conducted a review to determine whether the petitions were complete and in 2015 published a notification of a receipt of a complete petition. It then invited the public to comment on the technical merits of the petitions.

EPA further states that in a draft notice it determined that the petitions met criteria specified in the Clean Air Act Section 112(b)(3)(b). In other words, it determined that 1-BP is an air pollutant and its emissions and ambient concentrations:

. . . may reasonably be anticipated to cause adverse effects to human health or adverse environmental effects.

The compound 1-BP or n-propyl bromide is described as a brominated organic colorless liquid that is insoluble in water but soluble in ethanol and ether. The applications of 1-BP are stated to include:

- Solvent cleaning in electronic metal
- Precision cleaning operations
- Aerosols
- Adhesives
- Intermediate chemical in the manufacture of pharmaceuticals and agricultural products

A copy of the Federal Register Notice can be downloaded [here](#).