

United States. Users of aerosol solvents can purchase them only for those applications that are exempted from the Non-Essential Products Ban. The SNAP program applies to the use of substitutes for ODSs, and thus, applies only to those applications where ODSs may be used. Therefore, today's proposed listing only applies to those specific aerosol solvent applications where ODSs are allowed to be sold. This list of permissible uses is subject to change. Of the allowable applications for aerosol solvents, it is most likely that nPB would be used as a solvent in:

- Lubricants, coatings, or cleaning fluids for electrical or electronic equipment;

- Lubricants, coatings, or cleaning fluids for aircraft maintenance; or
- Spinnerette lubricants and cleaning sprays used in the production of synthetic fibers.

In addition, no one has specifically stated that they use, or intend to use, nPB in coatings or inks. Thus, our proposed ruling only addresses nPB use in the adhesives end use, in the adhesives, coatings, and inks sector. We would require a separate SNAP submission and additional information on nPB use and exposure data in coatings and inks to consider its acceptability in those applications.

EPA notes that the SNAP program currently does not cover some uses of

solvents, such as manual cleaning, carriers for flame retardants, dry cleaning, or paint stripping. Ozone-depleting solvents were never used in significant quantities in these applications, compared to applications that are covered by the SNAP program, such as vapor degreasing or cold batch cleaning. For further discussion, see the original SNAP rule (March 18, 1994; 59 FR 13089–13090 and 59 FR 13117–13120).

We summarize our proposed actions by sector and end use in Table 2 below.

TABLE 2.—SUMMARY OF PROPOSED ACTIONS BY SECTOR AND END USE

For this industrial sector...	in this end use...	we propose to list nPB as follows...	as a substitute for these ozone depleting substances:		
			CFC–113	methyl chloroform	HCFC–141b
Solvents Cleaning .....	Metals Cleaning .....	Acceptable, subject to use conditions <sup>1</sup> .....	X	X	.....
	Electronics Cleaning .....	Acceptable, subject to use conditions <sup>1</sup> .....	X	X	.....
	Precision Cleaning .....	Acceptable, subject to use conditions <sup>1</sup> .....	X	X	.....
Aerosols .....	Aerosol Solvents .....	Acceptable, subject to use conditions <sup>1</sup> .....	X	X	X
Adhesives, Coatings, and Inks.	Adhesives .....	Acceptable, subject to use conditions <sup>1</sup> .....	X	X	X

<sup>1</sup> In order to use nPB, the nPB would have to contain no more than 0.05% iPB by weight before adding stabilizers or other chemicals.

At the end of today's action, you will find language that we are proposing to add as Appendix L to subpart G of 40 CFR part 82 to summarize our proposed listing decisions. Information contained in the "Further Information" column of those tables provides additional information on nPB. Although EPA expects nPB users to conform to all information shown in Appendix L, the "further information" is not part of the regulatory decision, and, therefore, is not mandatory. Also, there may be other legal obligations pertaining to the manufacture, use, handling, disposal of nPB that are not included in the comments listed in Appendix L.

#### IV. What Did EPA Consider for Today's Acceptability Decision?

To assess the acceptability of any substitute, including nPB, EPA reviews the environmental and health risks potentially posed by the substitute, including ozone depletion potential, global warming potential, flammability, and toxicity. Today's action on nPB follows the publication of an Advanced Notice of Proposed Rulemaking (ANPRM) published in the **Federal Register** on February 18, 1999, at 64 FR 8043. The ANPRM provided the public

an opportunity to review the information available to the Agency at that time, and requested additional information and comment to assist in the development of regulatory options. In particular, the ANPRM asked for information on those key parameters where information was limited—that is, the toxicity, ozone depletion potential, and market potential of nPB. The Agency also issued a notice on December 18, 2000 which provided the public with an update on the information EPA had received regarding nPB's ODP and toxicity, and provided a summary of anticipated next steps in developing regulations under SNAP for nPB (65 FR 78977).

Based on all information now available, EPA is proposing to find nPB acceptable subject to use conditions. The Agency is concerned that excessive exposure to nPB can pose risks of adverse health effects and is recommending a workplace exposure guideline that we believe will protect workers who are exposed to this chemical. EPA is basing this recommendation on several factors, including a review of the toxicological literature and a subsequent risk evaluation conducted according to EPA

guidelines (adjusted to represent workplace exposure), and consideration of risk management principles. EPA finds that it is possible to reduce workplace exposure to nPB to acceptable levels with commonly available control equipment or ventilation equipment. Thus, the Agency has concluded that it is appropriate to list nPB as acceptable because there is evidence that it can be used in a way that does not present greater risk than other substitutes.

Based on these data, the Agency is proposing to list nPB as acceptable, subject to a use condition, for the non-aerosol solvents cleaning sector, aerosol solvents end use, and adhesives end use because we believe it is feasible to meet the recommended AEL of 25 ppm in the solvents cleaning sector, the aerosol solvents end use, and the adhesives end use. However, EPA expects users to defer to any permissible exposure limit ultimately established by OSHA. We note that section 6 of the Occupational Safety and Health Act requires OSHA to make specific legal findings to support a standard. Specifically, under the case law OSHA can set a standard only where there is "substantial evidence" that the particular standard will provide