

performed the original work. A peer review is an in-depth assessment of the assumptions, calculations, extrapolations, alternate interpretations, methodology, acceptance criteria, and conclusions pertaining to the specific major scientific and/or technical work products and of the documentation that supports them (US EPA, 2000b).

To ensure that we have time to consider your comments, please submit them to EPA's Air Docket by the date in the **DATES** section at the beginning of this document. You may submit them via e-mail to A-And-R-Docket@epa.gov. Comments may be submitted electronically, by mail, by facsimile, or through hand delivery/courier. Follow the detailed instructions provided in sections I.B through I.D. To give us more time to consider your comments, please also send a copy via e-mail to our staff directly at sheppard.margaret@epa.gov. EPA's responses to comments, whether the comments are written or electronic, will be in a final rule published in the **Federal Register** or in a response-to-comments document placed in the rulemaking docket. We will not reply to respondents electronically other than to seek clarification of electronic comments that may be disrupted in transmission or during conversion to paper form.

VIII. What Is the Federal Government Doing To Help Businesses Use nPB Safely?

EPA is concerned that careless use of nPB will place those exposed at risk of serious adverse health effects. We are also concerned that some users perceive nPB as a "path of less resistance" because it has similar properties to methyl chloroform, but, unlike methyl chloroform, OSHA has not issued a permissible exposure limit (PEL) for nPB. In particular, the adhesives industry widely used methyl chloroform and then methylene chloride as carrier solvents. Since the introduction of OSHA workplace regulations for methylene chloride, some companies appear to prefer nPB-based adhesives because nPB is not yet regulated, and because nPB is not flammable under normal conditions. Because of these concerns, EPA is working with NIOSH to develop outreach materials to share with facilities that use, or could use, nPB to inform them of good workplace practices.

Further, EPA recommends that users contact OSHA's consultation service. OSHA funds confidential consultation services to users through state government staff. Employers can find out about potential hazards at their worksites, improve their occupational

safety and health management systems, and even qualify for a one-year exemption from routine OSHA inspections. The consultation service is separate from inspections and enforcement. To request a consultation, telephone or write to the appropriate state consultation service, listed on the web at <http://www.osha.gov/oshdir/consult.html>. For example, if you have a facility in North Carolina, call the North Carolina Department of Labor at (919) 807-2899. See OSHA's web site at <http://www.osha.gov/html/consultation.html> for further information on consultation services.

IX. How Can I Use nPB as Safely as Possible?

As discussed above in section IV.A.1.e, EPA believes that the AEL of 25 ppm can be met in all the industrial sectors being reviewed today, including solvent cleaning applications, adhesives applications, and aerosol solvents applications, as long as appropriate controls are put in place. However, EPA also realizes that this exposure guideline is relatively low and that in many cases, users will have to implement additional emissions control measures to reach this level. Below are actions that will help nPB users meet the exposure guideline recommended in today's proposed rule:

- All users of nPB should wear appropriate personal protective equipment, including chemical goggles, flexible laminate protective gloves and chemical-resistant clothing. Special care should be taken to avoid contact with the skin since nPB, like many halogenated solvents, can be absorbed through the skin.

- Follow guidelines in the National Emission Standard for Hazardous Air Pollutants (NESHAP) for halogenated solvents cleaning if you are using nPB for non-aerosol solvent cleaning. The equipment and procedural changes described in the halogenated solvents NESHAP can reduce emissions, reduce solvent losses and lower the cost of cleaning with organic solvents. For more information on the halogenated solvents NESHAP, visit <http://www.epa.gov/ttn/atw/eparules.html> and <http://www.epa.gov/ttn/atw/degrea/halopg.html>.

- Use the employee exposure monitoring programs and product stewardship programs where offered by manufacturers and formulators of nPB-based solvents and adhesives.

- Follow all recommended safety precautions specified in the manufacturer's Material Safety Data Sheets (MSDSs).

- Use sufficient ventilation and emissions controls to meet the 25 ppm AEL in adhesives or aerosol applications (or, once developed, the applicable OSHA PEL). Examples of ventilation equipment for aerosol uses include ventilation hoods and fans. Adhesive applicators can use spray booths, ventilation hoods or ducts, and fans to reduce exposure.

- Request a confidential consultation from your State government. You can contact the appropriate state agency that participates in OSHA's consultation program. These contacts are on OSHA's Web site at <http://www.osha.gov/oshdir/consult.html>. For further information on OSHA's confidential consultancy program, visit OSHA's web page at <http://www.osha.gov/html/consultation.html>.

- If the manufacturer or formulator of your nPB-based product does not have an exposure monitoring program, we recommend that you start your own exposure monitoring program, and/or request a confidential consultation from your State government.

- A medical monitoring program should be established for the early detection and prevention of acute and chronic effects of exposure to nPB. The workers' physician(s) should be given information about the adverse health effects of exposure to nPB and the workers' potential for exposure.

- Workers should receive safety training and education that includes potential health effects of exposure to nPB, covering information included on the appropriate material data safety sheets, as required by OSHA's Hazard Communication Standard (29 CFR 1910.1200).

We note that these steps are useful for reducing exposure to any industrial solvent, and not just nPB.

X. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866, (58 FR 51735; October 4, 1993) the Agency must determine whether the regulatory action is "significant" and therefore subject to the Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal