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VIA EMAIL AND FIRST CLASS MAIL

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ATTN Docket Nos. OPP-2004-0301, OPP-2004-0302, OPP-2004-0303, OPP-2004-0305

Re: Request for Extension of Comment Period for Phenol/Sodium Phenate, Pine Oil, Halohydrantoin, and PHMB Risk Assessments.

Dear EPA Antimicrobials Division Staff,

I am writing to request that you extend the period for public comment on the preliminary risk assessments for Phenol/Sodium phenate, pine oil, halohydrantoin, and PHMB, all currently scheduled to close next week. It is important that EPA provide the public a meaningful opportunity to comment on these risk assessments because they present a number of complicated legal, technical, and policy issues. I therefore request that the comment period be extended to sixty days for each of these risk assessments. The public requires additional time in order to effectively and meaningfully comment on these agency actions.

EPA published the PHMB risk assessment on September 10, 2004, and published the Phenol/Sodium phenate, pine oil, and halohydrantoin risk assessments on September 17, 2004. EPA has provided unusually short comment periods for these four risk assessments: 17 days for PHMB, and only 12 days for each of the others. EPA did not list any justification for these limited comment periods in its Federal Register notices announcing the availability of the risk assessments. *See* 69 Fed. Reg. 54784 (Sept. 10, 2004); 69 Fed. Reg. 56055 (Sept. 17, 2004); 69 Fed. Reg. 56058 (Sept. 17, 2004); 69 Fed. Reg. 56060 (Sept. 17, 2004).

In the Federal Register notices, EPA solicits public comment on EPA's methodologies and

assumptions, asks for additional data to refine the risk assessments, and requests additional risk management suggestions to address the human health and environmental threats identified by EPA. However, the 12 to 17 day comment periods are too short to permit full public input on these questions.

EPA routinely grants extensions of time when requested by the public. For example, in June 2002 EPA solicited public comment regarding pesticide tolerance objections filed by the Natural Resources Defense Council. 67 Fed. Reg. 41628 (June 19, 2002). EPA twice extended this public comment period to accommodate pesticide industry requests for additional time. 67 Fed. Reg. 53505 (August 16, 2002) (extending the comment period to “give all interested parties the opportunity to develop detailed and comprehensive comments on these issues”); 67 Fed. Reg. 58536 (Sept. 17, 2002) (extending the comment period again).

Also, there is no reason for EPA *not* to grant an extension of time in this instance. EPA is not compelled by any statute, court order, or any other authority to finalize these risk assessments by any imminent deadline. There is therefore no justification for EPA to rush the risk assessments through the notice and comment process at the expense of fully informed and meaningful public comment.

Accordingly, we request that EPA provide a 60-day public comment period on these preliminary risk assessments. If EPA does not provide the brief extension requested in this letter, the public may reasonably conclude that the agency is uninterested in informed debate and meaningful public comment on the risk assessments.

We look forward to your prompt response. Thank you in advance for your assistance.

Respectfully submitted,

Aaron Colangelo  
Staff Attorney, NRDC