

HOW? Support ALERT and Allies' Petition to EPA to Ban Use of Discontinued Corexit Dispersants NOW

Following up on its successful lawsuit,¹ ALERT Project and the Government Accountability Project petitioned the Environmental Protection Agency (EPA) to ban the two deadly oil dispersants, Corexit 9527A and 9500A, from use in oil spill response effective immediately.² Under court supervision and order, EPA promulgated revised rules governing dispersant use on June 12, 2023.³

Our petition is the first test of the truth-in-reporting rule⁴—a new rule that allows EPA to remove (“delist”) a product from the National Contingency Plan (NCP) Product Schedule if the manufacturer has provided:

“(a)(1) Statements or information that are misleading, inaccurate, outdated, or incorrect regarding the composition or use of the product to remove or control oil discharges made to any person, or private or public entity, including on labels, advertisements, technical literature, electronic media, or within the product submission to EPA; or...

“(a)(4) New or relevant information not previously considered concerning the impacts or potential impacts of the product to human health or the environment.”

Petitioners compiled key studies that show these Corexit dispersants are:

- potent **respiratory and skin sensitizers** that cause chronic breathing difficulties, reoccurring skin rashes, and other damage;
- potent **carcinogens** that trigger multiple cancer pathways;
- potent **teratogens** that disrupt development of fetuses;
- potent **neurotoxins** that cross the blood-brain barrier (by demolishing it) and are linked with central sensitization— hypersensitivity (loss of tolerance) to light, sound, touch, and chemical odors.

¹ Lipinski RL, Mandell-Rice JR, 2021. The death knell for dispersants? *VanNess Feldman Alerts*. 8/17/2021. <https://www.vnf.com/the-death-knell-for-dispersants> For more information, see <https://alertproject.org/lawsuits/>

² ALERT and Government Accountability Project, 2024. Petition requesting EPA to remove Corexit 9527A and Corexit 9500A from the NCP Product Schedule pursuant to 40 CFR § 300.970. <https://alertproject.org/wp-content/uploads/2024/08/EPA-DELIST-petition-FINAL.pdf>

³ 88 FR 38280 <https://www.federalregister.gov/documents/2023/06/12/2023-11904/national-oil-and-hazardous-substances-pollution-contingency-plan-product-schedule-listing-and>

⁴ 40 CFR § 300.970. <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-J/part-300/subpart-J/section-300.970>



Compiled studies also show these dispersants can cause **specific target organ toxicity damage** to:

- the **blood (hematological) system**, such as cancers of the blood;
- the **respiratory system**, such as disease conditions of asthma, reactive airway disease, chemical pneumonia, among others;
- the **cardiovascular systems**, such as increased risk and incidence of coronary heart disease;
- the **peripheral nervous system**, such as numbness and pain in the hands and/or feet; and
- the **central nervous system**, such as affecting memory, emotions, behavior, and function.

In its latest publicly available Safety Data Sheets for Corexit 9527A and 9500A (2019), the manufacturer claimed that no information was available for any of the above categories in bold.⁵ A synopsis of ALERT’s findings and references for these studies is available in Appendix A of the petition.⁶ The Manufacturer’s failure to disclose any of above information is grounds for product delisting under § 300.970.

Further, Petitioners raise new and relevant information not previously considered, specifically, that the Corexit dispersant manufacturer discontinued making and selling Corexit dispersants, effective November 2022, and it stopped technical support for registration or re-registration effective July 1, 2023, two days after the new rules were published in the Federal Register.⁷ This means the manufacturer will never report the human health impacts of these products.

Two immediate problems arise from the manufacturer’s unanticipated action. First, EPA’s new rules allow all products listed under the old Product Schedule, including the Corexit dispersants, to be used until December 12, 2025, when the new Product Schedule with safer, less toxic products is published. Second, stockpiles of these Corexit dispersants, are currently available for use in every coastal state.

To prevent use of these existing stockpiles—such as “dumping” them during the next oil spill under the pretext of spill response—Petitioners requested EPA to remove Corexit 9500A and 9527A *immediately*. The EPA has not taken any action to do so at the time of this writing.

These two Corexit dispersants are also stockpiled globally for use in other countries. The International Association of Oil and Gas Producers is actively pursuing markets in other countries

⁵ Environmental Solutions, 2019. Safety Data Sheet Corexit EC9500A. 8/30/2019. <https://alertproject.org/wp-content/uploads/2024/04/Corexit-9500-2019.pdf>

Corexit Environmental Solutions, 2019. Safety Data Sheet Corexit EC9527A. 8/30/2019. <https://alertproject.org/wp-content/uploads/2024/04/Corexit-9527-2019.pdf>

⁶ See note 2, ALERT and allies petition to EPA, 2024, APPENDIX A: <https://alertproject.org/wp-content/uploads/2024/08/EPA-ltr-Appendix-A.pdf>

⁷ Corexit Environmental Solutions, Announcement, January 20, 2023. <https://alertproject.org/wp-content/uploads/2024/04/corexitenviro.pdf>



to use up existing stockpiles of the discontinued Corexit dispersants.⁸ The same Safety Data Sheets are also required for product registration as part of the United Nation's Globally Harmonized System for hazard communication, to which the United States is a party. However, the United Nations does not have a truth-in-reporting rule like the U.S.

This means that old and/or false information about Corexit dispersants is still available for any country that is considering use of these dispersants, which is why ALERT and allies are also advocating the United Nations to adopt similar truth-in-reporting rules as in the United States and to remove discontinued products immediately from the Globally Harmonized System.⁹

Removing Corexit dispersants from use in the United States would set worldwide precedent—and encourage use of safer products that are commercially available but have not been used because of the oil industry's long-standing preference for dispersants. It would also lay the groundwork for action by the United Nations to prevent use of Corexit dispersants in oil spill responses outside the United States.

To prevent use of existing stockpiles in the United States and globally to please JOIN THE EXIT COREXIT CAMPAIGN and learn what you can do to help make a difference.

<https://alertproject.org/whatstheplanepa/>

⁸ International Association of Oil and Gas Producers (IOGP), 2023. Corexit Availability – Update to Members and Industry. May 2023. https://www.iogp.org/wp-content/uploads/2023/06/IOGP_COREXIT-Update-Letter-to-Industry-Participants-May-2023.pdf

⁹ ALERT and allies letter to the United Nations, 2024. <https://alertproject.org/wp-content/uploads/2024/08/UNGHS-et-al-LTR-FINAL19.pdf>