



OFFICE OF LAND AND EMERGENCY MANAGEMENT

WASHINGTON, D.C. 20460

February 25, 2025

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Dear Dr. Ott, Mr. Devine and Ms. Pacey:

This letter is in response to the ALERT Project's and the Government Accountability Project's joint letter of August 19, 2024, requesting that EPA remove from the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Product Schedule the listing for the dispersant products Corexit™ EC9527A (9527A) and Corexit™ EC9500A (9500A). This letter also acknowledges correspondence from a series of organizations including Fenceline Watch, Surfrider Foundation, Center for Biological Diversity, and from a collective of individuals, and regional and national non-governmental organizations referencing and supporting your delisting request.

Your request is for the Agency to immediately remove the dispersant products Corexit™ 9527A and Corexit™ 9500A from the NCP Product Schedule pursuant to newly amended provisions under Subpart J of the NCP at 40 CFR § 300.970, *Removal of a product from the NCP Product Schedule or Sorbent Product List*. The request focuses on two of the several examples of causes for removal from the NCP Product Schedule or Sorbent Product List under these new provisions, including: 1) misleading, inaccurate, outdated, or incorrect statements or information regarding the composition or use of the product made to any person, or private or public entity, including on labels, advertisements, technical literature, or electronic media, or within the product submission to EPA; and 2) new or relevant information not previously considered concerning the impacts or potential impacts of the product to human health or the environment.

Your request also references the provisions at 40 CFR § 300.955(f), *Transitioning Listed Products to the New NCP Product Schedule or Sorbent Product List*, which provide for a transition process to the new NCP Product Schedule for those products that were listed on the NCP Product Schedule as of the final rule's effective date, December 11, 2023. From this date, the NCP provides Subpart J product submitters a period of two years to retest their product and resubmit an application for listing. The established 24-month timeline to transition products to the NCP Product Schedule allows time for retesting, preparing, and submitting new packages according to all amended testing and listing requirements, and for EPA to make listing determinations. The transition period also ensures product availability during the transition period for oil spill planning and response activities. To allow for this transition process, all products listed on the NCP Product Schedule as of December 11, 2023, remain conditionally listed until December 12, 2025. Thus, both dispersant products Corexit™ 9527A and Corexit™ 9500A will remain conditionally listed until December 12, 2025, but will not remain listed past December 12, 2025, unless applications for each product are submitted to EPA for review and listing determinations, and EPA determines that the application(s) meets the updated NCP listing provisions.

The Agency recognizes the concerns you raise regarding outdated Safety Data Sheets (SDS) for these products. Any concerns you may have regarding information provided in the SDS for these products, including issues relative to any SDS updates that may be required, may be raised directly to the Occupational Safety and Health Administration (OSHA), as they maintain SDS regulatory and compliance oversight.

The Agency also notes that information and assertions in your letter offered to support your delisting request are generally focused on the 2010 Deepwater Horizon (DWH) event. The United States Coast Guard (USCG) provided the federal On-Scene Coordinator (OSC) for the DWH response and is best positioned to address actions, oversight, and responsibilities specific to the DWH response, including any potential operational health and safety issues during the response. Any concerns you may have regarding the actions taken during the DWH response may be raised directly with the USCG as the federal OSC for that specific response.

As noted above, a product listed on the NCP Product Schedule prior to December 11, 2023 will only transition to the new NCP Product Schedule prior to December 12, 2025 if a submission package in accordance with all amended requirements is received by EPA, and EPA subsequently determines the listing requirements in the revised NCP are satisfied. Thus, if the Agency does not receive a new submission for a conditionally listed product, or if the new submission does not meet the revised listing criteria for the specific product, then the conditionally listed product will be removed from the NCP Product Schedule at the end of the transition period. Were the Agency to receive a new application for listing either of the dispersant products Corexit™ 9527A or Corexit™ 9500A, it would then consider the information you have provided, in conjunction with all other information submitted, in making a listing determination.

Thank you again for your letter and continued interest in the regulatory requirements addressing responses to oil discharges. If you have any further questions, please contact Patricia Gioffre, Director, Regulations Implementation Division in the Office of Emergency Management at gioffre.patricia@epa.gov.

Sincerely,

**BARRY
BREEN**

Digitally signed by BARRY
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Date: 2025.02.25 13:16:30
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Barry N. Breen
Principal Deputy Assistant Administrator
Office of Land and Emergency Management

cc: Lynda Kasonde
Patricia Gioffre
William Noggle
Edward Gilbert
Gregory Wilson
Vanessa Principe
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[Collective of individuals, and regional and national non-governmental organizations]