

Advocacy Provides Public Comment on EPA's Proposed Risk Management for Perchloroethylene under the Toxic Substance Control Act

On June 16, 2023, EPA published a proposed rule to restrict the use of perchloroethylene (PCE) under the Toxic Substance Control Act (TSCA). PCE is used as a solvent in a wide range of occupational and consumer applications including fluorinated compound production, petroleum manufacturing, dry cleaning, and aerosol degreasing. EPA evaluated 61 conditions of use of PCE and determined that all but one present an unreasonable risk of injury to health for workers and consumers. Based on these risk determinations, EPA is proposing to prohibit most industrial and commercial uses of PCE. EPA is also proposing to ban PCE for consumer use.

For the remaining uses, EPA is proposing to require a workplace chemical protection program (WCPP), which would include a requirement to meet an existing chemical exposure limit (ECEL) set by EPA, alongside exposure monitoring. As part of the WCPP, EPA also includes requirements to prevent direct dermal contact with PCE. EPA is also proposing to require prescriptive workplace controls for laboratory use. In addition, EPA includes certain time-limited exemptions for certain critical or essential emergency uses of PCE for which no technologically and economically feasible safer alternative is available.

The Office of Advocacy (Advocacy) has filed public comments on this proposed rule. Advocacy is concerned that the agency's proposal exceeds its statutory authority by prohibiting most commercial and industrial uses of PCE. Furthermore, Advocacy highlights the absence of regulatory flexibilities for the use of PCE by small businesses. Additionally, Advocacy is concerned that EPA does not satisfy the statutory requirements to consult and coordinate with OSHA to avoid duplicative and overlapping requirements. Lastly, Advocacy strongly recommends that the agency address concerns pertaining to the proposed ECEL and action level and consider all potential adverse impacts of the proposed rule. Advocacy urges the agency to consider feedback from small businesses on these important issues.

A complete copy of [Advocacy's letter to EPA is available](#). For more information, please contact Tabby Zeb, Assistant Chief Counsel, tayyaba.zeb@sba.gov (202) 798-7405.

