



November 7, 2025

VIA ELECTRONIC SUBMISSION

The Honorable Lee Zeldin
Administrator
U.S. Environmental Protection Agency
Washington, DC 20460

Re: Carbon Tetrachloride (CTC); Regulation Under the Toxic Substances Control Act (TSCA); Request for Comment; EPA-HQ-OPPT-2020-0592.

Dear Administrator Zeldin:

On October 9, 2025, the U.S. Environmental Protection Agency (EPA) published a request for comments on a reconsideration of the TSCA regulation for CTC.¹ This letter constitutes the Office of Advocacy's (Advocacy) public comments on EPA's request.

Advocacy is concerned that EPA's 2024 CTC rule duplicates existing Occupational Health and Safety Administration (OSHA) regulations. Instead of creating a separate, duplicative requirement, Advocacy recommends EPA align its CTC rule with OSHA's current standards.

I. Background

A. The Office of Advocacy

Congress established the Office of Advocacy in 1976 under Pub. L. 94-305 to represent the views of small entities before federal agencies and Congress. Advocacy is an independent voice within the executive branch that seeks to ensure small business concerns are heard in the federal regulatory process. Advocacy also works to ensure that regulations do not unduly inhibit the ability of small entities to compete, innovate, or comply with federal laws. The views expressed by Advocacy do not necessarily reflect the views of the Small Business Administration or the Administration.

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA),² gives small entities a voice in the rulemaking process. For all rules that are expected to have a significant economic impact on a substantial number of small entities, the RFA requires federal agencies to assess the impact of the proposed rule on

¹ 90 Fed. Reg. 48203 (Oct. 9, 2025).

² Pub. L. No. 104-121, tit. II, 110 Stat. 857 (1996) (codified in scattered sections of 5 U.S.C. §§601-612).

small entities and to consider less burdensome alternatives.³ If a rule is not expected to have a significant economic impact on a substantial number of small entities, agencies may certify it as such and submit a statement of the factual basis for such a determination that adequately supports its certification.⁴

Additionally, section 609 of the RFA requires the EPA to conduct special outreach efforts through a small business advocacy review (SBAR) panel.⁵ The panel must carefully consider the views of the impacted small entities, assess the impact of the proposed rule on small entities, and consider less burdensome alternatives for small entities.⁶ Since SBREFA's enactment, there have been 9 SBAR panels involving TSCA chemical regulations.⁷ EPA has also proposed 2 additional SBAR panels involving regulation of chemicals under TSCA.⁸

Advocacy's comments are consistent with Congressional intent underlying the RFA, that "[w]hen adopting regulations to protect the health, safety, and economic welfare of the nation, federal agencies should seek to achieve statutory goals as effectively and efficiently as possible without imposing unnecessary burdens on the public."⁹

The Small Business Jobs Act of 2010 requires agencies to give every appropriate consideration to comments provided by Advocacy.¹⁰ The agency must include a response to these written comments in any explanation or discussion accompanying the final rule's publication in the *Federal Register*, unless the agency certifies that the public interest is not served by doing so.¹¹

B. TSCA Regulation of CTC and EPA's Reconsideration of the 2024 CTC Rule.

CTC is a solvent used in commercial settings as a raw material for producing other chemicals such as refrigerants, chlorinated compounds, and agricultural products. It is specifically used as a refrigerant by small businesses in the heating, ventilation, and air-conditioning (HVAC) industry. CTC is also a product in foam blown insulation used by small businesses in the home building and repair industry. Combined, these industries are comprised of 183,443 small businesses generating \$302 billion in annual revenue and represent 98.1 percent of all firms in their respective industries.¹²

³ 5 U.S.C. § 603.

⁴ *Id.* § 605(b).

⁵ *Id.* § 609.

⁶ *Id.*

⁷ U.S. Env't Prot. Agency, *Small Business Advocacy Review (SBAR) Panels*, <https://www.epa.gov/reg-flex/small-business-advocacy-review-sbar-panels#current-sbar> (last updated Aug. 8, 2025).

⁸ *Id.*

⁹ Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (1980) (codified at 5 U.S.C. §§ 601-612).

¹⁰ Small Business Jobs Act of 2010, Pub. L. No. 111-240, §1601, 214 Stat. 2551 (codified at 5 U.S.C. § 604).

¹¹ *Id.*

¹² U.S. Census Bureau, *2022 SUSB Annual Data Tables by Establishment Industry* (Apr. 2025), <https://www.census.gov/data/tables/2022/econ/susb/2022-susb-annual.html>. Five industries are included: NAICS 236115, 236116, 236117, 238220, and 811412.

On December 18, 2024, the EPA released its final TSCA risk evaluation rule for CTC,¹³ setting an existing chemical exposure limit (ECEL) for CTC of 0.03 parts per million (ppm).¹⁴ Under TSCA, an ECEL is the level at which unreasonable risks presented by a chemical can be considered addressed.

The final rule also requires a workplace chemical protection program (WCPP) involving an inhalation exposure concentration limit, direct dermal contact controls, and related workplace exposure controls for multiple uses of CTC.¹⁵ Additionally, the rule prohibits CTC in some chemical and petrochemical manufacturing uses which have already ceased.¹⁶

On October 9, 2025, the EPA announced it was reconsidering the final CTC rule.¹⁷ The agency requested comments on all aspects of the rule, but is specifically seeking input on the ECEL of 0.03 ppm.¹⁸ The EPA intends to use the information gained through the comment process as part of the development of any future proposed rule to amend the existing CTC regulation.¹⁹

II. The CTC ECEL Set by EPA in 2024 is Duplicative of Existing OSHA Regulations.

The EPA has asked whether an exposure level other than the 2024 ECEL of 0.03 ppm “would be more appropriate to inform risk management.”²⁰ OSHA currently regulates worker exposure to CTC under a permissible exposure limit (PEL) of 10 ppm, which is slightly more than 333 times the level set by the EPA in 2024.²¹ The California Occupational Safety and Health Administration (CAL-OSHA) set a more restrictive standard of 2 ppm,²² which is 66 times EPA’s 2024 ECEL. Both levels are far above the 0.03 ppm limit set by the 2024 CTC rule.

Under the RFA, EPA is required to identify any duplicative, overlapping, and conflicting federal rules.²³ Rules are considered duplicative or overlapping if they are based on the same or similar reasons for the regulation, the same or similar regulatory goals, and if they regulate the same classes of industry.²⁴ Conflicting rules impose two conflicting regulatory requirements on the same classes of industry.²⁵ Similarly, TSCA Section 9 requires the EPA to consult and coordinate with other federal agencies “for the purpose of achieving the maximum enforcement

¹³ 89 Fed. Reg. 103512 (Dec. 18, 2024).

¹⁴ *Id.* at 103,522.

¹⁵ *Id.* at 103,513.

¹⁶ *Id.*

¹⁷ 90 Fed. Reg. 48203 (Oct. 9, 2025).

¹⁸ *Id.* at 48,204.

¹⁹ *Id.* at 48,203.

²⁰ *Id.* at 48,204.

²¹ See Occupational Safety & Health Admin., *OSHA Occupational Chemical Database, Carbon Tetrachloride (Tetrachloromethane)*, <https://www.osha.gov/chemicaldata/844> (last updated Apr. 17, 2024).

²² *Id.*

²³ 5 U.S.C. § 603(b)(5).

²⁴ See U.S. SMALL BUS. ADMIN., OFF. OF ADVOCACY, A GUIDE FOR GOVERNMENT AGENCIES: HOW TO COMPLY WITH THE REGULATORY FLEXIBILITY ACT 40 (Nov. 2018).

²⁵ *Id.*

of this Act while imposing the least burdens of duplicative requirements on those subject to the Act and for other purposes.”²⁶

The EPA’s proposal is duplicative of OSHA’s regulations for CTC because they both aim to protect workers from unsafe exposure to CTC, and they apply to the same classes of industry. The proposal also conflicts with OSHA’s regulations as it imposes different regulatory requirements (0.03 ppm vs. 10 ppm) on the same classes of industry. For small businesses, duplicative and conflicting rules add unnecessary regulatory burden and increase expenses related to compliance.

Additionally, Advocacy has been told by industry that there is currently no way to measure CTC levels of 0.03 ppm in the field. This could create a scenario where workers would not be able to be tested for CTC exposure because there is not a way to detect the level set by EPA. The EPA should not attempt to supplant existing regulatory frameworks. If there are classes of workers the EPA believes are not covered by OSHA’s existing standards, Advocacy recommends that EPA align its rule with the levels established by OSHA to cover these groups.

III. The CTC ECEL Conflicts with the Supreme Court’s Decisions in *West Virginia v. EPA* and *Loper Bright v. Raimondo*.

On April 9, 2025, President Donald J. Trump issued a Presidential Memorandum titled *Directing the Repeal of Unlawful Regulations*.²⁷ The memorandum directed agencies to ensure that their regulations complied with a list of 10 different Supreme Court cases. This list included *West Virginia v. EPA*²⁸ and *Loper Bright Enterprises v. Raimondo*.²⁹ The memorandum directs agencies to “immediately take steps to effectuate the repeal of any regulation, or the portion of any regulation, that clearly exceeds the agency’s statutory authority or is otherwise unlawful” and gives priority to rules in conflict with the listed Supreme Court decisions.³⁰

EPA’s CTC ECEL (and any ECEL for a chemical with an established OSHA exposure standard) violates both *West Virginia* and *Loper*. In *West Virginia*, the Court states “no one would consider generation shifting a ‘tool’ in OSHA’s ‘toolbox’ even though reducing generation at coal plants would reduce workplace illness and injury from coal dust.”³¹ The same is true here. Setting workplace exposure levels for chemicals is not a “tool” in EPA’s “toolbox” even though it would reduce exposure risk.

²⁶ 15 U.S.C. § 2608(d).

²⁷ The White House, *Memorandum for the Heads of Executive Departments and Agencies, Directing the Repeal of Unlawful Regulations*, (April 9, 2025), <https://www.whitehouse.gov/presidential-actions/2025/04/directing-the-repeal-of-unlawful-regulations/>.

²⁸ 597 U.S. 697 (2024).

²⁹ 603 U.S. 369 (2024).

³⁰ The White House, *supra* note 25.

³¹ *West Virginia*, 597 U.S. at 730.

Similarly, in *Loper Bright*, the Court states that when analyzing the limits of agency authority, the only question that matters is “[d]oes the statute authorize the challenged agency action?”³² Here, TSCA does not authorize EPA to usurp OSHA regulations. Rather, TSCA states that EPA must only regulate “*to the extent necessary* so that the chemical substance or mixture no longer presents such risk.”³³ Further, as mentioned above, TSCA additionally requires EPA to coordinate with other federal agencies “for the purpose of achieving the maximum enforcement of this Act while imposing the least burdens of duplicative requirements on those subject to the Act and for other purposes.”³⁴ TSCA cannot be read to authorize EPA setting an ECEL independent of and in conflict with OSHA.

The CTC ECEL conflicts with the RFA, Supreme Court precedent and President Trump’s April 9, 2025, memorandum on *Directing the Repeal of Unlawful Regulations*. Advocacy recommends EPA withdraw the CTC ECEL and align its rule with existing OSHA standards.

IV. Conclusion

Advocacy appreciates the EPA reconsidering the 2024 CTC rule and the opportunity for the regulated small businesses to comment. We recommend the EPA align its CTC ECEL with existing OSHA standards.

If you have any questions or require additional information, please contact me or Assistant Chief Counsel Nick Goldstein at (202) 772-6948 or nick.goldstein@sba.gov.

Sincerely,

/s/

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Office of Advocacy
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/s/

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³² *Loper Bright*, 603 U.S. at 375.

³³ 15 U.S.C. § 2605(a) (emphasis added).

³⁴ *Id.* § 2608(d).

Copy to: Mr. Jeffrey B. Clark, Sr. Acting Administrator
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