U.S. EPA Webinar on Proposed Regulation of Methylene Chloride under the Toxic Substance Control Act (TSCA)

Transcript

Wednesday, June 7, 2023

Commencing at 1:00 p.m.

Sheerin Shirajan (ICF): Hello everyone, And welcome to the U.S. EPA. Webinar on proposed regulation of methylene chloride. If you're having any trouble with Zoom and are using the desktop app, please check your settings. If you're using a browser, we recommend either restarting or opening it with Google Chrome. If you have any general questions on the rule, email EPA at MethyleneChlorideTSCA@epa.gov. If you have any technical questions, please utilize the Zoom Q&A box or email us at EPARulemaking@icf.com. Next slide, please.

All attendees are pre-muted for this presentation. Please note that the Public Remarks Session will take place after the presentation. Attendees who requested to make public remarks will be taken off mute one at a time and given three minutes to provide their remarks. More information regarding this session will be provided later in the webinar. The Chat will be used for broadcast messages only. Please refer to the Q&A button on your Zoom dashboard to submit technical questions. Please also ensure your full name and affiliation are correct. You can rename yourself by hovering your cursor over your display name, clicking on the three dots and selecting the "Rename" option. A pop-up box should appear where you can modify your name. There are ASL interpreters at this webinar today. Interpreters will have their camera on throughout the entirety of the webinar, and will be pinned to the corner of your screen. An email before this webinar and following will be in your inbox from EPArulemaking@icf.com. The emails include details regarding access in the presentation slides. If you don't see communications from this email, please check your spam. Note that this webinar is being recorded. The presentation slides will be available after the webinar has concluded at the links provided in the chat. And finally, the comment period for the proposed role will close on Monday, July 3. Submit comments at EPA-HQ-OPPT-2020-0465. The link to access the docket can be found in the chat box below. This concludes the announcements, we will now move on to the presentation. Thank you very much.

Eileen Murphy (EPA): I think I'm on. Welcome everyone, and good afternoon. I'm so glad to see so many interested participants in this webinar. My name is Eileen Murphy. I am the Director of the Existing Chemicals Risk Management Division within EPA's Office of Pollution Prevention and Toxics. We are so excited to host this event for you. I'm pleased to see there's so much interest in this proposed rulemaking. This proposal is a first of its kind under the Frank R. Lautenberg Chemical safety for the 21st Century Act, and it marks a major milestone toward the protection of human health and the environment. As many of you are aware, the Toxic Substances Control Act, or TSCA, requires us at EPA to address unreasonable risk from chemical substances to the extent that the risks are no longer unreasonable to human health or

the environment. Our unreasonable risk findings on methylene chloride stem from health effects resulting from exposure to this chemical. These effects have been very well documented and include neurotoxicity from acute or short-term exposures, liver effects and cancer from chronic or long-term exposures, and in some severe cases exposures to methylene chloride have resulted in death. As a result, we have proposed to prohibit the manufacturer processing and distribution and commerce of methylene chloride for all consumer uses, prohibit most industrial and commercial uses of methylene chloride and, for certain allowable uses, require a Workplace Chemical Protection Program to protect workers. We're also proposing to grant exemptions for uses that are vital to the continuity of critical infrastructure, national security, or both. A key element to note here is that we do understand and recognize that in some situations methylene chloride is a very important chemical, and while EPA is proposing significant prohibitions on most uses, our proposal also aims to find ways to preserve key uses of methylene chloride in certain industrial and federal facilities, again, with protective workplace controls. We based this proposed rule on the extensive risk evaluation from methylene chloride that was published in June 2020, and a revised, unreasonable risk determination in 2022. Many of you have already attended our webinar in September 2020, where we provided an overview of the risk evaluation and our key findings. The risk evaluation and risk determination documents are available on our website. We were able to develop and refine this proposed risk management rule through consistent public engagement over the past few years. These included stakeholder meetings as well as consultations with Tribes, small businesses, and people interested in environmental justice. To those of you who have already written to us, met with us, and engaged with us since the first stage of the risk evaluation, thank you. We hope to see your contributions in the risk management action that we're proposing today. Our goal today is to explain in plain language the rationale for our proposed action to go over several of the key details and to highlight specific areas where we are actively seeking comments to inform the final management rule. I want to emphasize that point. We are sincerely interested in substantive comments from you to consider as we work to finalize this rulemaking, which is currently in a proposed stage. As you'll hear several times during presentation, we strongly encourage you to submit comments to the docket and the proposed rule does have a list of specific topics that we are seeking public comment on, though we appreciate and we'll consider comments on any aspect of the role. We are tremendously proud of this important rulemaking, but it's not done yet. Your continued participation is critical to helping us write and then finalize regulations that are protective of human health and the environment. Under TSCA we must address the unreasonable risk that we've identified, and we cannot do it without you. We can't emphasize enough our appreciation for your time and all the information that you have and continue to provide with us. On behalf of the office of Pollution Prevention and Toxics, we continue to look forward to working with all of you. So, I will now

turn it over to Ingrid Feustel, who is the rule lead, and the next speaker who will lead you through the next presentation. Thank you so much for participating.

Ingrid Feustel (EPA): Great. Well, thank you so much, Eileen. Hello everyone, thank you so much for joining us today. My name is Ingrid Feustel, and, as Eileen said, I'm the Rule Lead for this proposed rulemaking of methylene chloride under TSCA Section 6(a). I work in the Office of Pollution Prevention and Toxics of the Environmental Protection Agency. So, the methylene chloride proposal was published on May 3, so I'm sure many folks have had the opportunity to review the proposal in full. As Eileen mentioned, the purpose of today's webinar is to provide a high-level overview of the proposal, provide any clarification that we can, and an opportunity for members of the public to give verbal statements. As a reminder you'll hear me reiterate this a few times, the public comment period is currently open and it's open until July 3. The agency is working to finalize rules consistent with statutory timeframes. As a result, we do not anticipate extending the comment period, which again closes on July 3, 2023. If your question isn't answered today, you're welcome to get in touch with us, and we'll talk about how to do that towards the end of the presentation. After which, as I mentioned, we will have time for folks to provide brief remarks to share their perspective. I'm very much looking forward to hearing from all of you during that portion of the presentation today. But I do want to emphasize the importance of submitting comments to the docket by July 3. Next slide, please.

On this slide, we have an overview of what we'll talk about today, starting with the purpose of the rulemaking, followed by some background information. We will then cover the list of regulatory tools available to risk managers under TSCA or the Toxic Substances Control Act, and how we considered our approach for the development of effective regulations to address unreasonable risk. Next, we'll review the proposed rulemaking for methylene chloride in closer detail. The proposed alternative regulatory action and the benefits of this proposal. And finally, we will conclude with opportunities for comment and engagement, next steps, and additional resources. Next slide, please.

So, a little bit of history and this touches on some of the overview that Eileen gave up front as well. In June of 2016, Congress amended the Toxic Substances Control Act with the Frank R. Lautenberg Chemical Safety for the 21ST Century Act. This amendment made a lot of changes to TSCA relevant to our discussion today. The new law requires EPA to evaluate and address unreasonable risks from chemicals currently in commerce under imposed statutory time frames in order to protect the public while outlining a predictable and comprehensive path for the regulated community. In 2016, methylene chloride, along with nine other chemicals, was identified for risk evaluation. These chemicals are

commonly referred to as the First 10, and methylene chloride is the first solvent of those to publish a proposed rulemaking under TSCA. This proposed rulemaking is based on the risk evaluation which was published in June 2020 and underwent a peer review process and public comment period. After incorporating feedback from the Peer review committee and the public, EPA determined that methylene chloride presents unreasonable risk driven by its conditions of use and proceeded directly to the development of a regulation to address those risks as required by Congress. Next slide, please.

To that end, EPA's proposed rule would prohibit use of methylene chloride except for certain uses, which would continue under strict workplace protection regulations. Specifically, our proposed rule is designed to protect consumers and occupational users while allowing essential uses to continue, but only where it may be done safely. This proposal is based on that risk evaluation and extensive public engagement since 2016. I'll talk a little more about that coming up, and as I mentioned the proposal is currently open for public comment until July 3, 2023. This comment period is an opportunity to submit information for EPA's consideration, and we will definitely consider that information as we develop the final regulation. Next slide, please.

On this slide we have a little bit of background on methylene chloride. Methylene chloride is a solvent, like some of the other chemicals in the first 10, it has a very wide range of uses, because in a lot of ways it's a very good solvent. However, the hazards of methylene chloride are well established, and so we already see declining use in many sectors. These uses include adhesives, paint encodings, degreasers, and lubricants to list a few examples, with the highest volume of use in the manufacture of pharmaceuticals, which is outside the scope of TSCA, and the second highest volume use in the manufacture of other chemicals, which is subject to TSCA. Sadly, between 1985 and 2018, there have been at least 85 recorded fatalities as a result of methylene chloride use and exposure, with the most recent fatality taking place in 2020. So, it's no surprise that EPA determined that 52 of the 53 conditions of use that were evaluated for methylene chloride drive the unreasonable risk of that chemical. These risks from exposure span all life cycle stages of the chemical, and included workers, consumers, and bystanders to both worker and consumer activities. Next slide, please.

So now we're going to give a little more detail on the risks of methylene chloride. The risk evaluation identified cancer effects from chronic inhalation exposure, that's liver and lung tumors. We also identified liver effects from chronic inhalation and dermal exposures, as well as acute effects to the central nervous system from acute inhalation and dermal exposures. We use that central nervous system effect because of its steep dose response curve which can include dizziness and blurred vision, but can quickly become fatal. However, the most sensitive endpoint with identified unreasonable risk is that chronic non-cancer endpoint, the liver effects endpoint. So, the risk management in this proposal is targeted to those sensitive

chronic non-cancer liver effects. By addressing that sensitive endpoint we will also address those acute central nervous system effects and cancer effects. Lastly, the 2020 risk evaluation did not find that methylene chloride presents an unreasonable risk to the environment. Next slide, please.

Under revised TSCA, EPA is required to address unreasonable risks and has authority to apply restrictions throughout the supply chain. EPA can regulate manufacturers, importers, processors, distributors, commercial users, and businesses or facilities that dispose of methylene chloride. It's worth emphasizing that while EPA cannot directly regulate consumers for using methylene chloride, we can regulate manufacturers, processors, distributors, and retailers in the supply chain to restrict the availability of methylene chloride and methylene chloride-containing formulations to consumers. By regulating at key points throughout the supply chain, EPA can effectively prevent methylene chloride from reaching consumers and address unreasonable risks to that population. We'll revisit this point later in the presentation when we talk about the prohibition on manufacture processing and distribution for consumer use. Next slide, please.

On this slide we have what I like to think of as our TSCA toolbox for addressing unreasonable risk. EPA has the authority to restrict manufacturing, processing, or distribution in commerce for the chemical as a whole, or for a particular use. This includes prohibitions as well as the ability to set limits on weight fraction, or production volume for the chemical as a whole, or for a particular use. We can also require record keeping, monitoring, or testing as well as regulate the commercial use or disposal of a chemical substance. I want to bring folks' attention to that fifth bullet. That's fifth from the top and third from the bottom, and it says, regulate manner or method of commercial use. This is the authority that allows EPA to set occupational exposure limits which I'll elaborate on shortly. Under this authority EPA could also prescribe particular personal protective equipment or administrative or engineering controls. We could also, for example, limit applications so that there are no more spray applications, if that's supported by the risk evaluation. Underscoring all of this is that any potential regulatory option would have to be supported by the risk evaluation, and any of these regulatory options could be used alone or in combination so that the chemical no longer presents an unreasonable risk. Next slide please.

How do we go about ensuring that we are putting our best foot forward during the development of risk management approaches? On this slide you can read our principles of transparency. Transparency is important to us throughout the whole TSCA process. Meaningful dialogue between the agency and stakeholders is the foundation of finding risk management strategies that are going to work to protect human health and the environment, and work for the regulated communities. We hope that this is common ground between the agency and our stakeholders. The deeper the understanding we have of chemical uses, hazards, and exposures, the better we can focus our efforts to ensure outcomes that reflect the way

chemicals are actually being used. To get there, we've engaged in one-on-one meetings, public webinars, comment periods, peer review, and consultations with state and local governments, Tribes, environmental justice communities, and small businesses. For this proposed rule specifically, it also meant ongoing consultation with other Federal agencies, such as OSHA and NIOSH to make sure that we are promoting a consistent and harmonized regulatory approach, facilitate compliance, and avoid duplicative requirements. Stakeholders were essential to the development of this proposal, and they will be essential to its finalization. Next slide, please.

That being said, EPA's first and foremost priority is to address the identified unreasonable risks. And Congress included some considerations in the statute to guide us, including requirements to consider and address risks to potentially exposes and susceptible subpopulations, including workers. Consideration of the chemical's particular effects, the magnitude of exposure, the benefits of a chemical substance, economic impacts of the regulation, and availability of alternatives. This proposed regulation is supported by best available science and reasonably available information. Next slide, please.

And we've arrived again at our overarching goal, which is to develop regulations that address the unreasonable risk from methylene chloride exposure with a practical and protective approach. To that end, you'll see the methylene chloride proposal presents a familiar framework for occupational exposure by aligning with OSHA regulations wherever possible. It keeps methylene chloride out of the homes and consumer markets, it prevents occupational exposures where implementing adequate protection is not practical, and it provides protection for workers not previously protected by other Federal statutes. All of this is supported by requiring strong supporting documentation of safe use. EPA considers record keeping mechanisms that would demonstrate compliance and understanding of the regulation essential. Next slide.

I do want to emphasize that this proposal is based on the best information we have at this time. We're requesting comment on all aspects of the proposal, and fully intend to consider all comments, and if appropriate, modify the proposal so that a final rule is as protective and practicable as possible. We'll talk about specific requests for comment throughout, but broadly we'd like to ask for input on the timelines in the proposal for phase outs and implementation of new requirements, as well as the ability of each use of methylene chloride to meet an occupational exposure limit and implement a workplace chemical protection program. Next slide, please.

And now we've arrived at our proposed regulatory action, which is a prohibition on all consumer and commercial use, with a few exceptions. So that's all uses, except for those handful of uses that will continue in perpetuity with a Workplace Chemical Protection Program, that includes manufacturer, import, processing, use as a laboratory chemical, and disposal. EPA has also proposed two time-limited

exemptions from the prohibition, which, in contrast to those uses that fall under the Workplace Chemical Protection Program, would only last for ten years. This approach will protect consumers and workers while allowing for the continued use of methylene chloride as a reactant, use in laboratories, and a few highly specific critical uses for national defense and critical infrastructure. That was a lot of information and we'll go over all aspects of the proposal in more detail. Next slide, please.

First, I want to talk about consumer use. The use of methylene chloride in consumer products was determined to present an unreasonable risk to consumers and cannot be used in a safe manner. TSCA requires EPA to protect consumers from unreasonable risk however, as we discussed earlier, EPA cannot regulate consumer actions or behaviors directly. Therefore, this rulemaking addresses the risk to consumers by regulating upstream lifecycle stages and prohibiting distribution to retailers or any entity that has consumer customers. This approach will prevent access to methylene chloride and methylene chloride-containing products by consumers. I think it's also worth mentioning, EPA didn't jump straight to prohibition for consumer uses. As with all risks, we consider the full suite of tools available to us that we discussed earlier in the presentation. Particularly for consumers we looked at whether the use of a weight fraction limit in methylene chloride containing products would address the unreasonable risk, while allowing continued use of consumer products that contain methylene chloride. What we found was that the weight fraction required to address unreasonable risk was so low that it was essentially a de facto prohibition, which again underscores the seriousness of the risks posed by this chemical. Luckily, especially on the consumer side, alternative products and formulations are available and currently on the market for almost every use. Next slide, please.

On this slide you'll see the consumer prohibition will span all uses that contain methylene chloride. What is being presented is not an exhaustive list, but instead, highlights some common uses that were evaluated for consumer risk. EPA's proposal prohibits manufacture, processing, and distribution of methylene chloride for any and all consumer use. Next slide, please.

Now we're moving on to industrial and commercial use. When determining how best to address risks to workers from a particular use of methylene chloride, EPA considered many factors such as aspects of particular work activities that may create challenges for workplace chemical protection program implementation, challenges with meeting a new lower exposure limit, or the need to develop a new industrial hygiene program. This includes looking at the activities involved in a particular use, the magnitude of the identified risk, and the degree to which engineering controls and industrial hygiene programs are implemented throughout the sector. We also look at the potential for more hazardous chemicals to take the place of methylene chloride if it is not available, and so on. It could be that folks could meet our new low exposure level with an air supplied respirator. But, perhaps the activities involved

in a particular use make it unlikely that that would be feasible. For example, if work activities take place in small enclosed spaces or require a high range of motion, or if the use of other PPE would impede the use of respiratory PPE. I'm thinking specifically of, we have a use as an anti-spatter welding aerosol. If you're wearing a welding mask, it's going to be difficult for you to wear an air supplied respirator. We also think about challenges with establishing a regulated area when work activities take place in the field or in a different location everyday. You'll hear a theme through all of these considerations, uncertainty about the potential implementation of a Workplace Chemical Protection Program is a driving factor when deciding how to manage a chemicals risk for a particular use. In the case of methylene chloride, the value of EPA's proposed exposure limit is a full order of magnitude lower than the OSHA PEL. In many cases, there is significant uncertainty with regards to a sector's ability to successfully meet that limit through the implementation of a Workplace Chemical Protection Program. That uncertainty combined with the severity of the risks of methylene chloride has led EPA to propose prohibitions for most industrial and commercial uses of methylene chloride. EPA plans to phase-in these prohibitions throughout the supply chain with prohibition beginning at the manufacturing stage after three months and fully implemented after 15 months. I'll talk a little bit more about that phase-in of restrictions later in the presentation. Next slide please.

This slide includes a list of industrial and commercial uses that would be prohibited under EPA's proposal. As with consumer use, I want to emphasize that this list is not exhaustive. All industrial and commercial use would be prohibited, except for those uses which explicitly are covered by the workplace chemical protection program. Next slide, please.

So now I want to talk in a little more detail about the Workplace Chemical Protection Program or WCPP which will apply to those handful of uses that are not prohibited, and is described in full in Unit IV(a)(1) of the proposed rule. The WCPP protects people from unreasonable risks posed by occupational exposure. We mentioned earlier under TSCA, EPA has an obligation to protect potentially exposed and susceptible subpopulations, which includes workers and other folks occupationally exposed to methylene chloride. For folks familiar with any of the OSHA PELs and expanded standards, the Workplace Chemical Protection Program will look very familiar, and EPA consulted with OSHA and NIOSH throughout the development of the WCPP. You might be asking yourself "if OSHA is already doing it, why is EPA issuing its own program?" EPA's limits are risk-based. The limits themselves do not factor in feasibility. While we do consider feasibility when determining for what uses it would be appropriate to apply these limits supported by a WCPP. As you'll see on the next slide, and as I've mentioned, EPA's risk-based limits, based on the best available science, are much lower than the current OSHA limits. And, as we've discussed previously, uncertainty regarding the ability to comply with this low exposure limit and

supporting monitoring program, influences whether a condition of use is considered to be a candidate for WCPP or whether prohibition is more appropriate. Because, as I've mentioned before, EPA's foremost priority is to address the unreasonable risks as required by the Toxic Substance Control Act. Next slide, please.

On this slide, we have more information about EPA's Workplace Chemical Protection Program. The WCPP includes a risk-based exposure limit and additional requirements to support the implementation of and compliance with such a limit. The methylene chloride WCPP identifies an existing chemical exposure limit, or ECEL, of two parts per million over eight hours and a short-term exposure limit of 16 parts per million over 15 minutes as the level needed to eliminate unreasonable risk. Additionally, the WCPP includes monitoring, record keeping requirements, respirator and dermal requirements. It provides some flexibility for regulated entities to prevent exceedances and aligns with existing OSHA requirements wherever possible. Next slide, please.

On this slide you can see a list of the uses that would continue in perpetuity under a Workplace Chemical Protection Program, with strong, achievable worker protections. So, if a chemical use is not on this list, then it is currently prohibited under this proposal. One notable use that will not be prohibited and continue under the WCPP is industrial and commercial use as a laboratory chemical. This is including use in universities and research facilities. Another use that will continue is processing as a reactant or the use of methylene chloride in the manufacture of other chemicals as a reactant. This includes HFC-32, which is an important HFC to facilitate the transition from high global warming potential HFCs to more climate-friendly HFCs, as well as other important chemicals. This list also includes uses that serve national security, such as industrial and commercial use for corrosion sensitive components of aircraft and spacecraft owned or operated by DOD, NASA, DHS, and FAA, and industrial or commercial use as a bonding agent in the production of specialty batteries for military and space applications. Next slide, please.

As I've mentioned already the methylene chloride WCPP reduces compliance burdens by following a familiar framework. Like the OSHA PELs, EPAs WCPP would require initial monitoring to determine the frequency of periodic monitoring which would then occur every three months, six months, or five years, based on an exposure limit and action level, and a short-term exposure limit. It would require folks to reduce exposures based on the NIOSH hierarchy, of controls, meaning that you have to run through the possibility of elimination, substitution, engineering controls, administrative controls, all before using PPE or respiratory PPE as kind of a method of last resort. The WCPP also includes respirator selection criteria to make sure folks are choosing the appropriate respirator for any of that residual risk. Some key differences to highlight between EPA's WCPP and OSHA's methylene chloride standard. First, as we saw

on the previous slide, EPA's exposure limits are lower than the OSHA PEL. EPA's proposal would also include a minimum monitoring requirement of at least once every five years, and last, EPAs WCPP applies to owners or operators and potentially exposed persons. Unlike under the OSH Act, EPA is not limited to regulating employers and employees, and is, in fact, required to address any unreasonable risks that might occur from occupational exposures regardless of whether folks subject to those exposures currently fall under the purview of OSHA or other laws, just to highlight that this is a broader definition and a broader coverage than employers and employees. Next slide, please.

Now I'm going to talk for a moment about those two exemptions that we mentioned earlier. TSCA has a mechanism for providing time-limited exemptions for critical or essential uses, including uses, that if restricted, would significantly disrupt national economy, national security, or critical infrastructure. So, to that end EPA's proposal currently has two time-limited 6(g) critical use exemptions. The first is for the use as a paint and coating remover in commercial aviation for those corrosion sensitive parts, and the second is the use of methylene chloride in emergency situations for the furtherance of NASA's mission. Both of these exemptions would expire after ten years, unless expanded by rulemaking, and during the duration of that exemption any entities taking advantage of that exemption would need to make best efforts to comply with the WCPP. Next slide, please.

The proposal also requires folks to provide downstream notification of the restrictions by revising their safety data sheets and record keeping requirements are included, including the maintenance of normal business records and records related to workplace chemical protection monitoring and compliance. Next slide, please.

So, I'm sure folks are wondering when will these restrictions actually apply? Again, to emphasize, this rule is currently at the proposal stage, and we have an open public comment period that ends on July 3, once that comment period ends EPA will begin work on developing a final rule. Once the rule is finalized, the prohibitions for consumer and commercial uses would become effective in three months for manufacturers, six months for processors, nine months for distribution to retailers, 12 months for distribution by retailers and all other distribution, and 15 months for commercial use. For the workplace chemical protection program, regulated entities are expected to have their monitoring programs going within six months, a regulated area designated in nine months, and implement an exposure control plan within 12 months. Next slide, please.

TSCA requires an alternative action be considered in addition to the proposal. For methylene chloride, the primary alternative regulatory action is also a combination of prohibitions and Workplace Chemical Protection Program. However, it has some additional uses under the Workplace Chemical Protection

Program and longer compliance timeframes compared with the proposed option. EPA has less certainty that these uses could implement the development of the WCPP successfully, such that unreasonable risk is addressed, and we are definitely and especially requesting comment on all of these uses and whether they could implement a protection program to protect their folks from exposure down to that two parts per million limit. Next slide, please.

On slide 26 you can see exactly what those additional uses are. For example, you can see we have processing aid, plastic manufacture, paint and coating remover in the context of commercial aviation. Any information on the degree to which these sectors could comply with the Workplace Chemical Protection Program, we urge folks to provide comment. The more specific and technical, the better. Next slide.

So, I don't think that I can overstate the benefit of this proposal. It offers comprehensive protection from the identified risks of methylene chloride, including to workers and consumers. It would blanket the majority of facilities effectively eliminating the potential exposures to neighboring communities, and directly addresses the conditions which have previously resulted in fatalities. It would additionally provide the regulated community with confidence in a protected and healthier workforce. Next slide - thank you.

The proposal includes requests for comment throughout, which are listed in full in Unit VIII of the proposal. This slide highlights a few of those topics on which we are eager to receive information, and that we've touched on already, including the Workplace Chemical Protection Program and its various components, the monitoring frequency, engineering controls, any process changes that would be needed to comply with the program, the feasibility of complying with and monitoring for an existing chemical exposure limited of two parts per million, the timeframes outlined for implementing these requirements, alternatives to methylene chloride especially as a processing aid and what regulatory flexibilities might be afforded to certain uses under the Workplace Chemical Protection Program to reduce burden with compliance. We're also requesting comment on the need for a de minimis level of methylene chloride to go along with those prohibitions. And any use of methylene chloride that are currently proposed to be prohibited, that might need a longer timeframe for phase out, or could even meet the requirements of a WCPP. Examples of potentially useful information for key areas of uncertainty should include information from the last 20 years. We're especially interested in personal breathing zone or area monitoring data, information about how different technologies or processes can reduce exposures, description of commercial worker activities and associated sources of exposure, any product formulation information, or any other relevant unpublished data. Again, the more specific, the more technical, the stronger the comment, the better. Next slide.

On this slide we have our next steps. As you all know, the proposal published on May 3, and that kicked off our comment period which will end on July 3. After that comment period ends, we will begin working on developing our final regulation, which we are anticipating in 2024, and the restrictions would begin within 90-days after the publication of that final rule. And again, I want to emphasize one last time we have that public comment period closing July 3, and we do not anticipate that we will be extending that comment period so please make sure to get us your information. Next slide, please.

Slide 31 has additional resources and links, the presentation will be posted on our website after today's presentation so you can have access to all these links in the same place. There's information on the risk management of methylene chloride under TSCA. There's also links to all of the various dockets associated with methylene chloride, including the docket for the risk evaluation, and the docket for the risk management rulemaking, that's that docket ending in 2020-0465, where you can submit your comments by July 3. There's also more general information there about the agency's actions on existing chemicals more broadly. Next slide, please.

And finally, we have information about how to contact us. There's a link to the docket EPA-HQ-OPPT-2020-0465 where you can submit any comments and if we haven't been able to answer your question today, or you'd like to get in touch with us you can reach us at MethyleneChlorideTSCA@EPA.gov. So, I want to thank everyone for attending today and for listening to the presentation, all the input you provided so far, and will provide in the future. I'm really looking forward to the public remarks portion of the webinar. So, at this time I'm going to pass it back to ICF to facilitate that opportunity for you to share your input for everyone to hear. Thank you so much.

Sheerin Shirajan (ICF): Thank you, Ingrid for that presentation. We will now begin the public remarks session. Attendees who requested to provide public remarks will be given three minutes to speak. We will call groups and assign numbers to begin. Each group has ten speakers and they will be unmuted one at a time to make their remarks. The PDF of the public remote groups will be sent through the chat. If you're calling into this webinar and requested to make oral remarks, please email EPArulemaking@icf.com. As a reminder, the oral remarks presented during this webinar will not be included as part of the docket and substantive comments should be provided in writing by Monday, July 3, to EPA-HQ-OPPT-2020-0465. The link to the docket is provided in the chat box. Before you begin your remarks please state your full name and affiliation. There will be a time check sent to the speaker when they have one minute remaining. Additionally, a timer will appear on the screen. At your turn to speak in your respective group and order in the queue, you will see this popup message to your right. Please hit the unmute button when

it's your turn to speak. Your three minutes will begin when you start your oral remarks. If you don't see this popup message above, go to the bottom left of the zoom screen and hit the unmute button to speak. If you continue to have issues, please email EPArulemaking@icf.com. Next slide, please.

Again, please state your full name and affiliation before providing your remarks. You will have a total of three minutes for your remarks. We're now going to begin with public remark group number one with Speaker number one. Speaker number one, please unmute, state your name and affiliation, and begin your remarks. Alright, we will move on to the next speaker, speaker number seven. Please unmute, state your name and affiliation, and begin your remarks.

Liz Hitchcock (public remarks): Good afternoon, I'm Speaker number seven and my name is Liz Hitchcock, and I direct Safer Chemicals, Healthy Families. The Federal Policy Program of Toxic Free Future. And if someone could give me a thumbs up that you can hear me, that'd be great.

Sheerin Shirajan (ICF): You sound good.

Liz Hitchcock (public remarks): Thank you. As Congress considered TSCA reform, we organized a broad coalition of businesses, health professionals, environment and consumer groups, labor organizations and groups from communities living with the effects of chemical pollution. These groups came together with the common concern, that Federal regulation of toxic chemicals in our homes, our schools, and our workplaces was ineffective and endangered our family's health. Seven years ago this month, the Lautenburg Chemical Safety Act became law reforming TSCA, and methylene chloride was a clear choice for EPA's first 10 chemicals to be evaluated and managed under reform TSCA. Ingrid outlined the health effects of methylene chloride exposures, and importantly, Ingrid mentioned that acute exposure to methylene chloride resulted in at least 18 deaths in the us between 1985 and 2018. The majority of those deaths were from on-the-job exposures. EPA certainly has had substantial evidence of the chemical's dangers for many years. Indeed, what EPA already knew led Administrator McCarthy to use EPA's authority under reform TSCA to propose banning paint strippers with methylene chloride for both consumer and workplace uses in January 2017. Unfortunately, the [unclear] at EPA shelved both rules and slowed action on the broader chemical evaluation. Troubled by EPA's inaction, families of young people who died using such products came to D.C. and met with EPA staff and members of Congress, putting a human face on the very real dangers of methylene chloride. They also joined us in

calling on retailers to stop selling such products to consumers, which stores including Lowes and Home Depot, committed to doing. We were profoundly disappointed when Administrator Wheeler banned sales to consumers while still leaving workers in harm's way. Mothers of two of the young people who died joined us in filing suit to compel the same protections for workers as EPA had granted consumers. We were encouraged when EPA issued this proposed rule banning all consumer and most commercial uses of methylene chloride. While we take exception to its existence, which would leave some workers with less protection for many years, this rule takes a highly toxic chemical off-store shelves, and out of most workplaces. We're not done yet. This comment period will be followed by an alphabet soup of Federal agencies reviewing the comments before it's final. Too many families have endured too many tragedies, too many workers are exposed to this chemical's harmful effects on the job. EPA's rule will make significant progress toward getting methylene chloride out of workplaces and homes. Seven years ago, EPA updated TSCA to enable EPA to take actions like this on chemical hazards. We call on EPA to recognize what is known, since long before that. Methylene chloride is an unacceptable danger to the public, and EPA should finally finish the job by quickly issuing a strong role that protects the greatest number of people possible. Thank you very much.

Sheerin Shirajan (ICF): Thank you, speaker number seven. We will now move to Speaker number eight. Please unmute and introduce yourself, and begin your remarks.

Paul Keller (public remarks): Yes, good afternoon. My name is Paul Keller. My comments were answered during the presentation, so I have no comment at this time. Thank you.

Sheerin Shirajan (ICF): Thank you very much. We will now move on to Speaker Number. Excuse me one moment. We'll actually move to the next slide. Thank you very much.

Speaker number four in Group two. It's now your turn, we would like to invite you to speak. Please unmute, introduce yourself, and begin your remarks. Okay. Number four, you've been unmuted. If you cannot speak, please send us an email at EPArulemaking@ICF.com. We will now move on to speaker number five. Speaker number five, please unmute yourself and begin your remarks. Thanks everyone for your patience. We're now going to move to Speaker number six, speaker number six.

Sneha Atwal (public remarks): Thank you. This is Sneha Atwal, and I'm with private industry. I would like to specifically comment about the present prohibition of methylene chloride as a heat transfer fluid used in a closed-loop system, which was not specifically contemplated by the EPA. I would like to address just a few concerns regarding this prohibition proposal. Firstly, with respect to the ECEL, if EPA has determined that the ECEL plus the WCPP mitigates unreasonable risk for some uses, then why not let industry apply that same standard as we do with other regulated chemicals? If we can demonstrate compliance just as the non-prohibited uses must do, why not give us that option rather than banning it from the outset? Secondly, with respect to data submittal, 60 days is not enough time to gather a robust data set to address the significantly lower proposed ECEL, especially since it is orders of magnitude lower than the existing OSHA PEL, which is the current standard we follow. It's just not possible to have the relevant data in-hand given this short timeline, and I sincerely hope EPA will extend the comment deadline to ensure that real-world data can be provided and considered. Additionally, I would love to have clarification on the process for providing this data to EPA. How do we get this to you in a meaningful way? Secondly, in addition to data collection, how relevant is the ChemSTEER model, and how much weight are you giving to that model? If, in fact, EPA has uncertainty around the data then it makes sense to give users the time and opportunity to give you the best available data. Thirdly, with respect to alternatives, methylene chloride was selected in the heat transfer use for its performance characteristics, and I would like to point out that in addition to there not being an alternative that performs to the same level, other potential substitutes have an elevated hazard profile specifically with respect to flammability. We have already considered and used our considerable technical expertise to select the heat transfer of fluid that best minimizes risk and fits the need. And lastly, in our case, methylene chloride has been used in a closed loop system as a heat transfer fluid and was originally designed into our facility, which has been safely and responsibly using it in that capacity since 1944. Since the closed-loop system using methylene chloride was designed into our facility from its inception and its use does affect products that are both TSCA and non-TSCA, it's impossible to eliminate its use entirely without impacting the entire facility through a full redesign. I'm concerned that EPA has not fully addressed this issue as well as the other concerns I raised earlier. Thank you.

Sheerin Shirajan (ICF): Thank you for your remarks. We'd like to invite the next speaker. Speaker number nine, please unmute and introduce yourself, and begin your remarks.

Wayne Towle (public remarks): Hello, my name is Wayne Towle. Can you hear me? Hello.

Sheerin Shirajan (ICF): Yes.

Wayne Towle (public remarks): I am not a scientist. I own a business. We've been doing wood restoration and conservation for 43 years. We've been using methylene chloride extensively. Everybody talks about a replacement product, there are no replacement products. Some of the replacement products that do exist are flammable. I don't want to sound facetious, but I'm sure people, there are a lot more people who have died of fires than there are that have died from methylene chloride exposure. We employ 27 people. We do very, very high-end work. We have a great reputation. Nobody, of my knowledge, that people have worked for me have had any physical ailments from this. We are not working with it like some manufacturing where you're exposed to it 24/7 or eight hours a day, five days a week. We do finish removal, and then we move on to finishing. In terms of conservation work, I really don't know what's going to happen with it. We're talking about projects, that you name it. You know Lincoln Memorial, I mean anything, just anything historic, this is the chemical. It does not affect patina. If you start sanding it, you're going to lose patina, you're going to lose history. I don't mind some restrictions on it. I'm for it, but not the elimination of it. Thank you.

Sheerin Shirajan (ICF): Thank you very much. We will now move to Group three. In group three speaker number one, we invite you to speak. Please unmute, introduce yourself, and begin your remarks.

Paul DeLeo (public remarks): Hi, this is Paul DeLeo with the American Chemistry Council. I just want to note that TSCA gives EPA the authority to regulate chemicals, such that they do not pose an unreasonable risk of injury to health or the environment. But, TSCA also states that EPA's authorities should be exercised in a manner that does not create unnecessary economic burdens to technological innovation, and as such, the methylene chloride risk management rule should emphasize successful compliance with the rule, that is, entities who are capable of developing and implementing a workplace chemical protection program should be given the opportunity to do so. EPA's goal really should be the least disruption while meeting that primary goal of protection, human health and environmental protection. EPA shouldn't be speculating about who can or cannot meet the requirements of the workplace chemical protection plan. Just note the previous speaker. I know nothing, I don't know him or his business, but he should be given an opportunity to put workplace protections into place and his business

shouldn't be impacted unnecessarily when it sounds like he has a fairly sophisticated business and good control exposures. The other comment that was made previously as well is that in the proposed rule EPA has indicated that there are certain conditions of use that are proposed, or the proposed regulatory action is prohibition, but that the primary alternative might be an exception, and the application of a Workplace Chemical Protection Program. If EPA had sufficient data and information to support that, but there isn't, EPA hasn't indicated what that is or how to present that. Again, a previous speaker mentioned that, I think there needs to be clarification on how entities, that have the option to get an exception, can do that. I think it would be very if EPA could provide further clarification on that. And with that I will conclude my comment. Thank you.

Sheerin Shirajan (ICF): Thank you for your remarks. We'd like to invite the next speaker, speaker number four. Please unmute, introduce yourself and begin your remarks. Alright, we will now be going on to Speaker number five. Speaker number five, please unmute, introduce yourself, and begin your remarks.

Benny Bixenman (public remarks): Hello, I'm Benny Bixenman with Benco Sales. I've been [unclear] sales manufacturing methylene chloride strippers for 48 years. We supply predominantly to the furniture refinishing and automotive parts industries. Methylene chloride strippers are important to these industries because they're the only effective products to remove powder coding and catalyzed finishes. Neither of these industries are able to use abrasives or non-chemical strippers because of substrate damage and difficulty working with three dimensional structures. We participated in all the OSHA regulations in our industries, and we believe current OSHA regulatory levels adequately protect workers. In the proposed EPA regulations, concerns about carcinogenicity or liver toxicity were derived from old animal studies where the animals were exposed to very high levels and results were downwardly extrapolated. Case studies of the metabolism and methylene chloride in humans point to less toxic metabolic pathways and with other chemicals regulated on the basis of animal studies. EPA is proposing banning methylene chloride products from the furniture refinishing and auto parts industry on the basis of these studies. EPA is compelled to regulate methylene chloride by the Lautenberg Act, by the best available science. The studies used to justify this regulation are far from the best available science. No studies have been performed at current OSHA regulatory levels of 25 parts per million. EPA admits many, if not all, of the furniture refinishing businesses may be forced to close if this regulation is implemented. Tens of thousands of small businesses are jeopardized with this proposal, and many will not survive. The most prudent of course is to test the effects of methylene chloride at 25 ppm for liver toxicity and

carcinogenicity. Several world-class epidemiological studies that were made when the TLV of methylene chloride was 500 parts per million, showed no increased incidence of cancer or liver toxicity of employees who were exposed to average levels 200 parts per million of methylene chloride for 40 hours for a week, for a lifetime of employment. These studies also follow these employees through retirement. The hazards of presumed alternative products have not really been adequately considered. Flammability and toxicity problems exist with any presumed alternative, and most will not work at all. There are also environmental impacts from the band affecting disposal durability and climate change. Methylene chloride, widely used, is nonflammable, it's safe to use with the current OSHA regulatory levels. Since removal of methylene chloride from consumer use in 2019 there have been no more deaths from acute exposures. It can be tracked and safely used by the furniture refinishing and auto parts industries. These industries will be severely affected and possibly forced to close by implementation of regulation. Most of the health risk in use of methylene chloride in industry is mitigating when methylene chlorides products were banned from consumer use in 2019. The effect of this regulation on small businesses is catastrophic and in the U.S. there are 4,000 deaths from drowning every year. In 2022 there are 42,915 automobile deaths. Lifegaurds, life preservers, seatbelts, airbags help limit these deaths. The ban from consumer use and the use of PPE and ventilation in industrial use has done the same for methylene chloride products. The least EPA should do with these products is to have clearly defined tests for exposure levels to prove that it really is a hazard at that level. And the question was asked, that it's an unacceptable danger to the public, what does that mean? That swimming pools and cars were unacceptable danger to the public? Being able to regulate and manage risk is important and banning it from use is way beyond necessary. Thank you.

Sheerin Shirajan (ICF): Thank you for your remarks, we'd like to greet the next speaker. Speaker number seven, from group three. Please unmute, introduce yourself, and begin your remarks.

Chris Banach (public remarks): Hi, this is Chris Banach, of Vandemark Chemical. Vandemark Chemicals is a manufacturer of phosgene and custom chemicals. We utilize methylene chloride to manufacture two highly specialized polycarbonates using gas separation such as membranes used in oxygen generators for healthcare. We cannot produce these without methylene chloride, there's not a suitable alternative. Methylene chloride, phosgene, and reactants are contained in a closed-loop system specifically designed to protect the people operating it by adhering to an industry regulation. Again, polycarbonate is produced, washed, isolated, dried, qualified, all while tightly contained within the

equipment. Direct interaction with the chemistry, such as sampling, are performed inside a glove box, systems which are designed like those in the laboratory to protect the people from the hazardous chemicals. Methylene chloride, in the chemical reaction is recycled back to the beginning of the process, all within the pipe work of the closed-loop system. Regarding the ECEL, as an industry we typically stay well below the action level of a chemical stressor. We target on the order of 50 percent as our internal action level, so even under the OSHA methylene chloride standard, we already were using six ppm as our internal action level and our IH data showed that we were achieving levels that are at or below the ECEL that you're proposing. This is the benefit of a closed loop system. Our personal monitoring samples are sent to a certified laboratory. We would call this a lagging value, it's going to take weeks to get those results back. A one ppm action level, and therefore 0.5 for most plant industrial hygiene engineers, is not measurable in real time. The reference 11 in the regulation is a field analytical equipment called an FTIR. This unit is portable in the sense it is typically sold with handles outside for responders to be able to move it to or mount it to a vehicle. It requires a computer to interface with it, it's a multi-person carry, and it's not electrically classified for flammable location, which represents most chemical facilities. Real-time measurements of an atmosphere in and around a workplace is extremely valuable and important for performing services such as maintenance activities. The equipment is purged and cleared, PPE is worn, including full air respirators, to complete what's called a line break. We will not be able to qualify the area for removal of PPE without monitoring equipment that can measure this level. We need to be able to measure the environment. We believe that six ppm would be a suitable level for an ECEL rather than two. Finally, regarding the notification of monitoring results, the affected individuals, five days was proposed with posting the results and notifying employees. For small businesses, that would be difficult in a 24/7 operation. It was compared to the construction sector. Small business organizations, EH Engineers, I wouldn't be able to take a vacation if I had to report in five days from the data received as results. Thank you.

Sheerin Shirajan (ICF): Thank you for your remarks. We will now move back to Group two for a speaker. Speaker eight in group two, please unmute, introduce yourself, and begin your remarks.

Debbie Towle (public remarks): Okay. Can you hear me?

Sheerin Shirajan (ICF): Yes.

Debbie Towle (public remarks): Okay, thank you. This is Debbie Towle and my husband Wayne spoke a few minutes ago, and Benny Bixenman just spoke, who, if I had to use anybody's words to express what I want to express, I would use his and my husband's, of course. I have been refinishing furniture since I was 14 years old and the first chemical, and pretty much the only chemical I've ever used, is methylene chloride-based strippers. Back then it was five of five now we use the Benco products. You cannot refinish high end, valuable furniture with any other product that is on the market. We have always taken every safety precaution required by OSHA. Our employees are healthy. I don't even know of an employee in all the years I've had my company, which is since 1980, that has been sick with cancer, not even one. Meanwhile, the statistics of how many people have been exposed and died in the workplace, which I agree is tragic and should not happen, is low in comparison to so many other things. Falling off of ladders kills more people in the workplace than methylene chloride ever will come close to. I think that not being given the opportunity as a small business owner who has been in business all these years to try and comply with a standard that allows me to continue to do business is completely unfair and very short-sighted. And I even question the science that has been presented so far. Everybody very carefully talks about tumors, and this, that, and the other thing when they've tested, who knows who and we're talking about mice. Mice who are exposed for so long I'm amazed they just didn't drop dead. Anyway, I'm very frustrated by this. I think it's really unreasonable and shortsighted. I certainly agree that there are definitely risks associated with methylene chloride. I think any employer or any person who can read should know this when they took a can off the shelf and act accordingly. Employers, should' know this, they do know this, and they do act appropriately, you know. So, I don't know what else to say. I appreciate the time to speak, and I hope that you will take into consideration that there are many, many, many small businesses who will be closing if this takes place. I employ 30 people, 30 people are going to be unemployed if this takes place. So, thank you very much.

Sheerin Shirajan (ICF): Thank you for your remarks. We'll move to Group four. Speaker, three in group four. Please unmute, introduce yourself, and begin your remarks.

Wanda Smith (public remarks): Good afternoon. This is Wanda Smith, with Halocarbon. We manufacture specialty chemicals and supply those for national defense in the aerospace sector, the domestic semiconductor industry, and we are considered part of critical infrastructure to the global pharmaceutical industry as we supply drug product, drug substance, and raw materials for drug

manufacturing. We are asking the agency for an exemption under TSCA Section 6 for our unique use of methylene chloride as a heat transfer fluid in a custom-engineered, completely closed-loop system used throughout all our manufacturing operations, including those processes which supply the pharmaceutical industry. When considering the hierarchy of controls for risk management, the first levels are elimination and substitution, and we have not been able to identify any suitable alternatives due to the system design and the temperatures at which we run our processes. Additionally, alternatives have shown to be more hazardous regarding toxicity, reactivity, and incompatibility with our process chemistry. We will provide the agency with a summary of the data supporting this in our written comments. A ban would be catastrophic to our business as there are no compatible alternatives on the market, and any developed alternatives would require a complete shutdown of our facility, and a comprehensive overhaul of our infrastructure for an undetermined period of time. This would result in a direct impact to not only the specialty chemical space, including national defense, aerospace, and domestic semiconductors, but also the pharmaceutical industry. As the result would be a drug shortage for two of the top anesthesia drugs on the market, both of which are often selected over other options due to a more favorable environmental profile, With regard to global warming potential. Our engineers estimate a total redesign of our infrastructure would be more than $40 million. However, the impact on the pharmaceutical market is incalculable as it reaches far beyond the direct impact to Halocarbon. Since we are providing the highest level of engineering controls, as well as worker protection among monitoring, and there have been no suitable alternatives developed in the last forty-plus years to consider, we again ask the agency for an exemption under TSCA Section 6, for our closed loop system as it does not pose unreasonable risk of injury to health or the environment. Thank you.

Sheerin Shirajan (ICF): Thank you for your remarks. We will now move to Speaker number four. Speaker number four please unmute, introduce yourself, and begin.

Sebrena Rhodes (public remarks): Hi, my name is Sebrena Rhodes. Can you hear me?

Sheerin Shirajan (ICF): Yes

Sebrena Rhodes (public remarks): Ok, great. Thank you for allowing me to testify today. My name is Sebrena Rhodes again and I am a community organizer with Empower D.C. here in Ivy City, and I'm also

the ANC Commissioner. First, I want to bring to attention the negative effects that methylene chloride and other hazardous compounds have been emanating from the national engineering products chemical plant, which operates without an air permit, and other industrial land uses. For years our community has been silently suffering from the reckless practice of a chemical plant that's here in Ivy City, in a residential neighborhood, that has exposed us to a cocktail of toxic chemicals and methylene chloride is one of them, formaldehyde, acetonitrile and some others. The consequences of the facility's actions are dire, and we can't keep turning a blind eye to the devastating effects of our health and well-being. This facility has used these chemicals for decades without an air permit or any permits required for the use of toxic chemicals in a residential neighborhood, and it's still operating only with a business license and a certificate of occupancy. Now the Department of Energy and Environment, and you all EPA, is currently working with the facility, but the owners, putting the owners of the national engineering products into compliance will not undo the harm our community has been exposed to since 1930. The noxious fumes of these chemicals infiltrate our air, and it's seeping into our homes and polluting our environment. We breathe these hazardous substances day in and day out, with serious repercussions for our health. The children and elderly, and those with pre-existing health conditions are particularly vulnerable and trapped in a constant battle for clean air to breathe. I'm going to submit my testimony for public comment, but it's very important that you just completely stop the use of this compound of this chemical because there are facilities in our residential neighborhoods that are using this compound and the residence of the neighborhoods of being Poison. I appreciate you allowing me to take this time to express myself and make these comments. And again, I will be adding this to the public comments. Thank you.

Sheerin Shirajan (ICF): Thank you for your remarks. We'll now move to Speaker number eight of group four. Speaker number eight please introduce yourself and begin your remarks.

Genevieve Strand (public remarks): I am Genevieve Strand with the Society of Chemical Manufacturers and Affiliates, SOCMA National Trade Association, representing the Specialty and Fine Chemical Industry, a diverse membership of companies who manufacture unique and innovative chemistries in a wide range of commercial, industrial, and consumer uses. First a few items of concern for the rule. We do strongly support the inclusion of a de minimis threshold, which is not currently included. Methylene chloride can be found in very minute amounts as a degradation product or byproducts in other chemical manufacturing that we feel a de minimis standard is important here. Secondly, we are concerned that the use of methylene chloride to clean equipment in a batch processing equipment would be

negatively impacted by the prohibition of use as a cleaning solvent. Methylene chloride once used to the reaction medium, it is often most appropriate to then clean the equipment and have the cleaning solvent be methylene chloride to prevent contamination to subsequent patches. Thirdly, EPA has acknowledged its willingness to finalize a regulation under which use of methylene chloride is a processing aid, and for use in polymerization could continue with a WCPP if workers could be adequately protected. We strongly encourage EPA to do so in the final rule, as you've heard from two of SOCMA's member companies today, Vandemark, Halocarbon. They have very unique conditions of use for methylene chloride, as a reaction medium for the production of specialty polycarbonates and the others heat transfer fluid. Both of these processes are closed-loop systems where engineering controls are the primary mechanism to control exposure with the only routes of exposure being when new materials is introduced to a system during line breaks for routine maintenance. The member companies have studied the feasibility of alternatives in these processing aid applications, and they are infeasible for a variety of reasons with alternatives having greater toxicity, being economically infeasible, or simply lacking the chemical properties that are necessary in these highly specialized applications. The information and exposure data has been provided from member companies for their manufacturing processes during both the draft risk evaluation and the SBAR process, and the data clearly demonstrates the significant effectiveness of closed-loop systems in mitigating exposure to methylene chloride in the workplace. So, as that we strongly support the use of the WCPP for processing a use for methods right in the final rule. Finally, we were encouraged to see EPA acknowledge that methylene chloride for use in pharmaceutical manufacturing is not subject to TSCA, and will not be regulated by this rule, as it is a vital, important solvent in the pharmaceutical industry. Thank you very much for your time.

Sheerin Shirajan (ICF): Thank you for your remarks. We would like to invite the next speaker. Speaker number nine please unmute, introduce yourself, and begin your remarks.

Aisha White (public remarks): Hi, thank you my name is Aisha White, and I'm a resident of the neighborhood that' Sebrena Rhodes mentioned earlier. I really appreciate this webinar, and I've learned a lot about this product and understand the concerns of many of the business owners in this call, but I do keep hearing references to closed-loop systems or employers and business owners are doing everything they can, but the fact is that this has been being manufactured in a residential neighborhood for many years and impacting communities. So obviously, there is a problem in the standards of these closed loops, and that's really why communities are here talking today. Just want to know that no one is notified in this

neighborhood of what is being manufactured for sharing walls, with this as being near production facilities for beer and alcohol. We're just not being notified of the effects of it and based on what we have been given from our Commissioner Rhodes it just seems like it should not be in residential areas at all. Our cities are rapidly changing and I understand that zoning can change quickly, but there's something wrong with the processes that are regulating this currently and that needs to be adjusted. I'll stop my comment there and thank you.

Sheerin Shirajan (ICF): Thank you very much for your remarks. Just as a quick reminder, we'd like to have everyone to ensure that their name on Zoom reflects them so we can find you and unmute you for your turn in your group. And if it does happen to you please shoot us a message in the Q&A. For now we're going to move on to Group five, then we can come back. In Group five speaker number two please unmute, introduce yourself, and begin your remarks.

Shekar Viswanathan (public remarks): Good afternoon, I would like to know if there is a de minimis amount that can be used in the different sector, aerospace sector. Secondly, we would also like to know, is there a ten-year cap applicable only to commercial aerospace and not to different aerospace sector? Thank you.

Sheerin Shirajan (ICF): Thank you for your remarks. We will now move on to Speaker number four in Group five. Please unmute, introduce yourself, and begin your remarks.

Karyn Schmidt (public remarks): Hello, this is Karyn Schmidt of the American Chemistry Council. We appreciate the opportunity to provide public comments today. ACC will be submitting comments in writing to the docket, but we wanted to note several items for EPA today. First, we take note of EPA's comments today that it does not intend to provide an extension to the comment period. As we have noted, there is a 60-day comment period open on the proposed final rule, which would apply risk management measures to methylene chloride. It has become increasingly apparent that there are many potential uses of methylene chloride including as processing aids that have not been fully considered by the agency before this proposed risk management rule was offered. It will require significantly more time for facilities and companies to evaluate their operations, to determine whether they have any operations, manufacturing, production use, or processing that is potentially subject to the rule. EPA's blanket approach to proposing

restrictions has the potential to sweep in many uses which are potentially critical to industrial operations in the United States, including critical operations to advance important policy objectives under the Inflation Reduction Act, and to advance manufacture of advanced materials, such as polycarbonate. We urge EPA to consider a longer comment period, we believe that this will be essential to ensure that there has been a comprehensive evaluation of potential impacts. That includes appropriate cost-benefit review of those potential impacts, and we have already heard several speakers highlight some potentially severe consequences to some of those industrial applications this morning. We also encourage EPA to think very carefully and conduct some additional analysis about the gulf between TSCA and non-TSCA uses. While we appreciate the agency's note that non-TSCA uses are not considered within the ambit of this proposal, in many cases, when it comes to manufacturing, there is not a split in manufacturing segregating TSCA and non-TSCA uses, and it will be impossible to disaggregate those. That needs to be carefully considered including cost-benefit review with specific consideration of adverse impacts on those non-TSCA uses. We appreciate the opportunity to comment, thank you. We look forward to providing written comments.

Sheerin Shirajan (ICF): Thank you very much. We will now move on to Speaker number seven. Speaker number seven please unmute, introduce yourself, and begin your remarks.

James Lee (public remarks): Hi, my name is James Lee representing Hach Company in Colorado. Hach Company manufactures chemical reagents and instruments for water quality analysis. Our products are for industrial laboratory and workplace applications and are used by municipalities, beverage manufacturers, chemical manufacturers, scientific institutions, and any other various industries. Realizing water is the world's most precious resource, our mission is ensuring water quality for people around the world, and we plan to submit a written comment, but I want to highlight four bullet points in my comment here. First, we want to advocate for extension of the proposed compliance for manufacturers, processors, distributors, and industrial users. To acquire an understanding of business exposure to methylene chloride, it will take a much longer time to communicate with our members of the supply chain. For example, Hach will need to confirm with the suppliers of mixtures such as cleaning products, adhesives, and sealants that their products don't contain methylene chloride. Furthermore, Hach needs at least 12 months to identify, test, and implement any other substitutes of methylene chloride processing uses. That is another example, I will need time to make certain changes to the safety data sheets and other consumer facing documents to alert about methylene chloride use. And we were also requesting today for the grace period of compliances as more reasonable measures. So for instance, the manufacturers will need at least 100,

instead of having 90 days, at least 180 days to comply, and then processors are given at least 365 days to comply instead of 180 days as proposed. Our point number two, we request clarification on manufacturer and import of methylene chloride as a component and mixtures. Under the proposal it is unclear whether manufacturing import of methylene chlorine as a component of mixture under 40CFR751.109 is allowed with a condition of WCPP because it says manufacturing and import. You know whether it's a single substance, or as a component of mixture isn't clear, so we suggest that in number 1, manufactured domestic manufacturer as a single chemical substance and as a component of mixture and number two, manufacturer parentheses import a single chemical substance and as a component mixture, and we suggested that the text is applied. Number three, we request clarification on a provision of a solvent that becomes part of formulation mixture or mixture, versus the term use for exemption of processing for incorporation into formulation mixture or reaction products. We request clarification because these two terms seem quite similar and they're kind of used interchangeably even in the risk assessment document, so we want more clarification on these two terms and how they're different. Lastly, number four we request clarification on acceptable resource and development uses that will be allowed under the proposed rule. We request clarification because the kinds of activity that would constitute an R&D use of methylene chloride is, you know, is not really clear because the current R&D exemption under TSCA focuses on the analysis of chemical and quantity and not specific examples of activity. So, we want to know how they're similar or different from let's say, for example, a TSCA Section 5 R&D exemption. Thank you, EPA, for the opportunity to speak, and we will be submitting our written comments.

Sheerin Shirajan (ICF): Thank you for your remarks. We will not be moving on to Speaker number nine. Speaker number nine, please unmute, introduce yourself, and begin your remarks.

Jeffrey Kovacs (public remarks): Good afternoon, this is Jeff Kovacs. As my comments have been covered by others, I will return my time back to the group, and I thank you.

Sheerin Shirajan (ICF): Thank you. This reaches the end of our list. We would like to make a general call out for anyone who had previously requested to speak. If we skipped you and missed your attendance, please send us a message in the Q&A. We'd like you to make your comments. We will hold for about a minute to see. Thank you all for your patience. It looks like there is no other request to speak up. I will now pass it on to EPA to conclude this webinar.

Eileen Murphy (EPA): I want to thank everyone again for your thoughtful comments and we really look forward to seeing them in the docket. On behalf of the Office of Pollution Prevention and Toxics we thank you for your remarks. It's invaluable to us as we work through the final rulemaking, particularly the clarifications, and we look forward to receiving your written comments by July 3 through the docket. So, thank you again, and that will end the webinar today.