

## Executive Summary

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April 4, 2023

The Honorable Michael Regan  
Administrator  
U.S. Environmental Protection Agency 1200  
Pennsylvania Avenue, NW Washington, DC  
20460

Dear Administrator Regan:

Enclosed for your consideration is the Report of the Small Business Advocacy Review Panel (SBAR Panel or Panel) convened for EPA's planned proposed rulemaking entitled "Trichloroethylene (TCE); Rulemaking under Toxic Substances Control Act." This notice of proposed rulemaking is being developed by the U.S. Environmental Protection Agency (EPA) under section 6(a) of the Toxic Substances Control Act (TSCA).

In December 2016, EPA selected TCE as one of the first 10 chemicals for risk evaluation under section 6 of TSCA. EPA published the risk evaluation for TCE in November 2020. The risk evaluation was conducted pursuant to TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act, which requires EPA to conduct risk evaluations "to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, without consideration of costs or other non- risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant to the risk evaluation by the Administrator, under the conditions of use." EPA published the scope of the risk evaluation document<sup>1</sup> in July 2017 (82 FR 31592, July 7, 2017), the TCE problem formulation document<sup>2</sup> in June 2018 (83 FR 26998, June 11, 2018), and the TCE draft risk evaluation<sup>3</sup> in February 2020 (85 FR 11079 , February 26, 2020). EPA held a peer review meeting of the Science Advisory Committee on Chemicals (SACC) on the draft risk evaluation of TCE on March 24 through March 26, 2020. Public comments and external scientific peer review informed the development of the TCE risk evaluation<sup>4</sup> (85 FR 74010, November 24, 2020). With input from comments and peer review, EPA published a draft revision to the risk determination for the TCE risk evaluation in July 2022 (87 FR 40520, July 7, 2022) and the final revision in January 2023 (88 FR 1222, January 9, 2023)<sup>5</sup>.

In the 2020 Risk Evaluation for TCE, EPA evaluated risks from 54 conditions of use within the following categories: manufacture (including import), processing, distribution in commerce, industrial and commercial use, consumer use, and disposal. The 2020 Risk Evaluation for TCE identified risk from

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<sup>1</sup> Available at <https://www.regulations.gov/document/EPA-HQ-OPPT-2016-0737-0057>.

<sup>2</sup> Available at <https://www.regulations.gov/document/EPA-HQ-OPPT-2016-0737-0083>.

<sup>3</sup> Available at <https://www.regulations.gov/document/EPA-HQ-OPPT-2019-0500-0002>.

<sup>4</sup> Available at <https://www.regulations.gov/document/EPA-HQ-OPPT-2019-0500-0113>.

<sup>5</sup> The final risk evaluation and supplemental materials are in docket EPA-HQ-OPPT-2019-0500, with the July 2022 draft revised unreasonable risk determination, January 2023 final unreasonable risk determination, and additional materials supporting the risk evaluation process in docket EPA-HQ-OPPT-2016-0737, on [www.regulations.gov](http://www.regulations.gov).

significant adverse health effects associated with exposure to TCE, including immunosuppression effects from acute inhalation and dermal exposures, autoimmunity effects from chronic inhalation and dermal exposures, and cancer from chronic inhalation and dermal exposures to TCE.

Small businesses may be regulated under all conditions of use that drive EPA's unreasonable risk determination for TCE. EPA's unreasonable risk determination for TCE is based on unreasonable risk of injury to health for workers, occupational non-users (ONUs) (workers who do not directly handle TCE but perform work in an area where TCE is present), and to consumers and bystanders to consumer use. EPA did not identify an unreasonable risk of injury to the environment from TCE under the conditions of use.

On June 30, 2021, EPA announced policy changes intended to enhance public trust, provide regulatory certainty, and ensure that all populations that may be exposed to the first ten priority chemical substances, including TCE, are protected from unreasonable risk. The policy changes announced that EPA intends to move forward by revisiting the risk evaluations for the first ten chemical substances within a narrow scope that is supported by science and the law, including:

- Consideration of exposure pathways such as ambient air and drinking water to the general population and fenceline communities;
- Revisiting the assumption that personal protective equipment (PPE) is always used in occupational settings when making a risk determination for a chemical. Rather, EPA will no longer assume that PPE is always used when determining whether a chemical substance presents unreasonable risk; and
- Making the determination of unreasonable risk for the whole chemical rather than on a condition of use basis.

EPA will continue to provide risk calculations with no PPE and with various levels of PPE in the risk characterization section of the risk evaluation to help inform possible risk management options.

EPA has moved forward with the final revised risk determination for TCE, which determines that TCE, as a whole chemical substance, presents an unreasonable risk of injury to health under the conditions of use. This revision, published on January 9, 2023, (88 FR 1222), supersedes the condition of use-specific risk determination in the November 2020 TCE risk evaluation. In addition, the risk determination at the time of the Pre-Panel Outreach meeting reflected an assumption that workers always and appropriately wear personal protective equipment (PPE); this assumption has changed. The final revised risk determination does not reflect an assumption that all workers always appropriately wear PPE. EPA understands that there could be adequate occupational safety protections in place at certain workplace locations; however, not assuming use of PPE reflects EPA's recognition that unreasonable risk may exist for subpopulations of workers that may be highly exposed because they are not covered by Occupational Safety and Health Administration (OSHA) standards, or their employers are out of compliance with OSHA standards, or because many of OSHA's chemical-specific permissible exposure limits largely adopted in the 1970's are described by OSHA as being "outdated and inadequate for ensuring protection of worker health,"<sup>6</sup> or because EPA finds unreasonable risk for purposes of TSCA notwithstanding OSHA requirements.

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<sup>6</sup> Occupational Safety and Health Administration. Permissible Exposure Limits – Annotated Tables. Accessed June 13, 2022. <https://www.osha.gov/annotated-pels>.

As a result of this revision, removing the assumption that workers always and appropriately wear PPE does not change the conditions of use that drive the unreasonable risk for TCE; an additional route of exposure (i.e., inhalation) has been identified as driving the unreasonable risk to workers in many of those 52 conditions of use; and additional risks for acute non-cancer effects and cancer effects from inhalation and dermal exposures drive the unreasonable risk in many of those 52 conditions of use (where previously those conditions of use were identified as presenting unreasonable risk only for chronic non-cancer effects and cancer).

As described in the final revised unreasonable risk determination, the same 52 conditions of use identified in the November 2020 risk evaluation would drive the unreasonable risk determination for TCE, listed below:

- Manufacturing: domestic manufacture
- Manufacturing: import
- Processing: processing as a reactant/intermediate
- Processing: incorporation into a formulation, mixture or reaction product
- Processing: incorporation into articles
- Processing: repackaging
- Processing: recycling
- Industrial and commercial use as a solvent for open-top batch vapor degreasing
- Industrial and commercial use as a solvent for closed-loop batch vapor degreasing
- Industrial and commercial use as a solvent for in-line conveyORIZED vapor degreasing
- Industrial and commercial use as a solvent for in-line web cleaner vapor degreasing
- Industrial and commercial use as a solvent for cold cleaning
- Industrial and commercial use as a solvent for aerosol spray degreaser/cleaner and mold release
- Industrial and commercial use as a lubricant and grease in tap and die fluid
- Industrial and commercial use as a lubricant and grease in penetrating lubricant
- Industrial and commercial use as an adhesive and sealant in solvent-based adhesives and sealants; tire repair cement/sealer; mirror edge sealant
- Industrial and commercial use as a functional fluid in heat exchange fluid
- Industrial and commercial use in paints and coatings as a diluent in solvent-based paints and coatings
- Industrial and commercial use in cleaning and furniture care products in carpet cleaner and wipe cleaning
- Industrial and commercial use in laundry and dishwashing products in spot remover
- Industrial and commercial use in arts, crafts, and hobby materials in fixatives and finishing spray coatings
- Industrial and commercial use in corrosion inhibitors and anti-scaling agents
- Industrial and commercial use in processing aids in process solvent used in battery manufacture; process solvent used in polymer fabric spinning, fluoroelastomer manufacture and Alcantara manufacture; extraction solvent used in caprolactam manufacture; precipitant used in beta-cyclodextrin manufacture
- Industrial and commercial use as ink, toner and colorant products in toner aid
- Industrial and commercial use in automotive care products in brake parts cleaner
- Industrial and commercial use in apparel and footwear care products in shoe polish
- Industrial and commercial use in hoof polish; gun scrubber; pepper spray; other miscellaneous industrial and commercial uses
- Consumer use as a solvent in brake and parts cleaner

- Consumer use as a solvent in aerosol electronic degreaser/cleaner
- Consumer use as a solvent in liquid electronic degreaser/cleaner
- Consumer use as a solvent in aerosol spray degreaser/cleaner
- Consumer use as a solvent in liquid degreaser/cleaner
- Consumer use as a solvent in aerosol gun scrubber
- Consumer use as a solvent in liquid gun scrubber
- Consumer use as a solvent in mold release
- Consumer use as a solvent in aerosol tire cleaner
- Consumer use as a solvent in liquid tire cleaner
- Consumer use as a lubricant and grease in tap and die cleaner
- Consumer use as a lubricant and grease in penetrating lubricant
- Consumer use as an adhesive and sealant in solvent-based adhesives and sealants
- Consumer use as an adhesive and sealant in mirror edge sealant
- Consumer use as an adhesive and sealant in tire repair cement/sealer
- Consumer use as a cleaning and furniture care product in carpet cleaner
- Consumer use as a cleaning and furniture care product in aerosol spot remover
- Consumer use as a cleaning and furniture care product in liquid spot remover
- Consumer use in arts, crafts, and hobby materials in fixative and finishing spray coatings
- Consumer use in apparel and footwear products in shoe polish
- Consumer use in fabric spray
- Consumer use in film cleaner
- Consumer use in hoof polish
- Consumer use in toner aid
- Disposal

Two conditions of use would not drive EPA's unreasonable risk determination for TCE:

- Consumer use in pepper spray
- Distribution in commerce

On January 17, 2023, EPA's Small Business Advocacy Chairperson convened this Panel under section 609(b) of the Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA). In addition to its chairperson, the Panel consists of the Deputy Director of the EPA's Office of Pollution Prevention and Toxics, the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB), and the Chief Counsel for Advocacy of the Small Business Administration (SBA). It is important to note that the Panel's findings and discussion are based on the information available at the time this report was drafted. EPA is continuing to conduct analyses relevant to the proposed rule, and additional information may be developed or obtained during this process as well as from public comment on the proposed rule. The options the Panel identified for reducing the rule's economic impact on small entities will require further analysis and/or data collection to ensure that the options are practicable, enforceable, protective of public health, environmentally sound and consistent with TSCA and its amendments.

#### **SUMMARY OF SMALL ENTITY OUTREACH**

Prior to convening the Panel, EPA conducted outreach with small entities that will potentially be affected by these regulations. In October 2022, EPA invited SBA, OMB, and six potentially affected small entity representatives (SERs) to a meeting and solicited their comments on preliminary information sent to them. EPA shared the SERs' written comments with the Panel as part of the Panel convening document.

After the SBAR Panel was convened, the Panel distributed additional information to the SERs on January 17, 2023, for their review and comment and in preparation for another outreach meeting. On January 31, 2023, the Panel met with the SERs to hear their comments on the information distributed to them. The SERs were asked to provide written feedback on ideas under consideration for the proposed rulemaking and responses to questions regarding their experience with the existing requirements. The Panel received a written comment from the SERs in response to the discussions at this meeting and the outreach materials. See Section 7 of the Panel Report for a complete discussion of SER comments. The full written comment is also included in Appendix B. In light of these comments, the Panel considered the regulatory flexibility issues specified by RFA/SBREFA and developed the findings and discussion summarized below.

## **PANEL FINDINGS AND DISCUSSION**

Under section 609(b) of the RFA, the Panel is to report its findings related to the following four items:

1. A description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply.
2. A description of the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.
3. Identification, to the extent practicable, of all relevant federal rules which may duplicate, overlap or conflict with the proposed rule.
4. A description of any significant alternatives to the planned proposed rule which would minimize any significant economic impact of the proposed rule on small entities consistent with the stated objectives of the authorizing statute.

The Panel's most significant findings and discussion with respect to each of these items are summarized below. To read the full discussion of the Panel findings and recommendations, see Section 8 of the Panel Report.

### **A. Number and Types of Entities Affected**

The proposed rule potentially affects businesses that manufacture (including import), process, use distribute, or dispose of TCE which impacts industries that include aerospace (including Department of Defense), metals manufacturing, automotive/repair/manufacturing/storage and dry cleaning. During the Panel outreach meeting, SERs discussed the types of small entities affected and included information on their sale and use of TCE, with a focus on vapor degreasing and dry cleaning. SERs commented on the approximate quantity of TCE that they use, the types of machines in use for vapor degreasing (open-top and closed-loop systems), the types of articles cleaned or degreased, including specialty parts, and the investments already made to upgrade machines. SERs representing the vapor degreaser use noted the use of TCE in niche applications, including for defense or aeronautical uses.

Based on feedback from a SER representing the dry cleaning industry, the limited use of TCE is currently an integral part of the stain removal process. According to the SER, available alternative chemicals are not as efficient. This SER also provided that small volume dry cleaners, which comprise a majority of their industry, may be disproportionately impacted because these firms have small profit margins.

EPA estimates of the small entities to which the proposed rule may apply are described in Section 4 of the Panel Report. As shown in Table 4.2 of the Panel Report, 20,611 small entities could potentially be impacted by the rule. Not all of the small firms indicated in the Table, however, are expected to be impacted by the proposed rule as elaborated on in Section 4.

## **B. Recordkeeping, Reporting, and Other Compliance Requirements**

SERs described their exposure monitoring and reduction practices and considerations for substitute chemicals or processes. Specifically, vapor degreasing SERs described their current exposure monitoring practices, ventilation, engineering controls such as equipment upgrades or replacement, administrative controls, and use of PPE. A dry cleaning SER described the quantity of TCE use and waste disposal, as well as the labor process and duration of use of TCE in spot cleaning. While SERs did not describe their current exposures, they described their interest in a higher exposure limit than the EPA ECEs of 4 ppb and 1.1 ppb, and the challenges of monitoring exposures below 4 ppb. SERs, notably those associated with vapor degreasing, indicated during the pre-panel and panel discussions that small businesses could have trouble complying with the TCE ECEs of 4 ppb or 1.1 ppb.

Regarding PPE use, a SER noted that it will depend on the type of degreaser being used (e.g., open-top or closed-loop) and the type of activity (e.g., machine maintenance). The SER also provided feedback on potential administrative controls such as moving a vapor degreasing machine into a separate space as not being an affordable option for small businesses. The SER explained that while closed-loop degreasers have features that can reduce emissions and limit worker exposure, it is unclear whether using such a degreasing system could limit the TCE exposure to 4.0 ppb. This SER also discussed the use of PPE in repackaging and processing TCE products.

Most SERs described their preference for continuing to use TCE, and provided their rationales. Specifically, a trade association SER described how TCE is used as a cleaning agent or degreaser for several niche applications, in which TCE's property as a nonflammable solvent is critical. Although this SER noted that potential alternatives exist, they described how new formulations would require additional testing to ensure they can provide proper cleaning, especially to avoid damaging the energized equipment (e.g., circuit board). A SER representing product formulators specified that reformulating a degreasing product could cost close to \$100,000, including reformulation, testing, certification, and labeling. Many of this SER's members anticipate future TCE regulations and are looking at transitioning away from the chemical but find the commercial viability of potential alternatives challenging. Other SERs described how niche cleaning applications of TCE, such as in the aerospace industry or automotive manufacturing and industrial cleaning, must meet high cleaning specificity standards that complicate switching to an alternative chemical. The SER explained that the modification of such specifications is time-consuming and expensive.

SERs also emphasized the flammability of certain alternatives, the challenges of aqueous systems (which require large quantities of water and may need additional or reconfigured facility space), and their concerns for potential regulation for substitute chemicals. A SER representing degreaser system providers described how an aqueous cleaning process can cost \$3,000,000 and noted that it requires more time to be as effective as TCE in removing lubricants. SERs specifically expressed concerns that many of the alternative chemicals to TCE may be subject to future regulation by EPA for potentially posing unreasonable risks. In addition, a trade organization SER highlighted that some fluorinated alternatives to TCE are under increased regulatory scrutiny, especially at state levels, because they may be subject to state PFAS laws based on their chemical structure and properties.

A dry cleaning SER described the labor process and duration of use of TCE in spot cleaning noting that alternative chemicals are less efficient. The dry cleaning SER stated that switching to available alternatives to TCE would increase labor, supply, and utility costs because stained garments would need to be

reprocessed. The SER also provided cost information related to increasing labor hours due to switching from TCE in spot cleaning. This dry cleaning SER estimated that the cost of using an alternative would significantly increase the average labor cost, increasing from an average labor cost/week when using TCE at \$77.00, to an average labor cost/week of \$327.50 based on the use of a TCE alternative.

SERs expressed concerns regarding compliance time with any regulation that would result in the use of an alternative chemical. For example, a SER representing the users of TCE in vapor degreasers, emphasized that 5-year compliance timeframe would not be sufficient to adopt to using alternatives given the challenges of reformulation, testing, meeting specifications, etc. This SER also noted that processes for cleaning parts for national defense or cleaning medical devices would likely require longer compliance timeframes.

### **C. Related Federal Rules**

Most SERs described compliance under existing national emission standards for hazardous air pollutants (NESHAPs) under the Clean Air Act (CAA), which resulted in equipment changes and upgrades, as well as regulations on hazardous waste. SERs also stated that they comply with TCE emission standards as a volatile organic compound, and TCE usage and emissions are controlled using VOC destruction technologies and require continuous monitoring as defined in site specific permit requirements. A SER stated that industry works to minimize exposure to TCE to meet OSHA or other recommended requirements by implementing: PPE, administrative controls (e.g., isolating the work area so that only trained employee can enter), and engineering controls. A trade organization SER referenced the AIM Act to highlight that some hydrofluorocarbons, which TCE is used as a feedstock to manufacture, will be restricted in some applications under the AIM Act.

The Panel acknowledges the above-referenced issues and considers SER comments in its recommendations.

### **D. Regulatory Flexibility Alternatives**

The SERs suggested the following regulatory flexibilities to reduce the impact of a potential regulation on TCE under section 6 of TSCA:

1. A training and certification program in which a small entity would have to be certified to purchase a TCE-containing product from a retailer, such as industrial supply stores or online retailers.
2. Longer compliance timeframes for transition to alternatives for uses requiring reformulation and cleaning processes for cleaning parts for national defense or cleaning medical devices.
3. In the case of a ban, SERs requested that the potential regulatory option include a *de minimis* level in the case of an impurity or trace amounts of TCE in products.

The Panel recommends that EPA consider additional activities listed below to determine if they are appropriate to provide flexibility to lessen impacts to small entities. Many of the recommended flexibilities may lessen impacts to all entities, and not only small entities.

Based on SER comments:

1. With respect to the possible establishment of an Existing Chemical Exposure Limit, the Panel recommends that EPA consult and communicate with OSHA to clearly explain respective regulatory requirements applicable to workers and workplaces who must comply with standards set by both agencies, and to minimize confusion by aligning definitions, reporting intervals, and other requirements where possible. In addition, EPA and OSHA should communicate on implementing or sharing information in instances of duplicative regulatory requirements, such as record keeping or monitoring. EPA should

also provide clear and specific guidance for complying with any potential ECEL. The Panel recommends that EPA request public comment in the notice of proposed rulemaking (NPRM) on the extent to which a regulation under TSCA section 6(a) could minimize requirements, such as testing and monitoring protocols, recordkeeping, and reporting requirements, which may exceed those already required under OSHA's regulations for TCE.

2. The Panel recommends that EPA continue to engage with Federal partners to work towards establishing a policy on its relationships to other Federal laws administered by EPA and/or other Federal agencies to ensure transparency and that the statutory obligations under TSCA to address the unreasonable risk are met. Specifically, the panel recommends that EPA describe in its communications materials relating to the proposed rule a crosswalk to similar relevant OSHA regulations and a crosswalk of any final regulations to similar relevant pre-existing regulations, as part of required small entity compliance guides (as in the case of OSHA PELs and EPA ECEs).
3. The Panel recommends that EPA provide and request comment in the NPRM on reasonable compliance timeframes for small businesses. Specifically, the Panel recommends that EPA request comment on whether and how to provide longer compliance timeframes for transitioning to alternatives for uses requiring reformulation and cleaning processes for cleaning parts for national defense or cleaning medical devices. As part of this effort, the Panel recommends that EPA consider compliance timelines based on the expected availability of technically and economically feasible alternatives, as well as any information that could be provided by other agencies that set requirements for certification or standards relevant to degreasing, parts cleaning, or other uses of TCE. The Panel also recommends that EPA request comment in the NPRM on differing compliance or reporting requirements or timetables that account for the resources available to small entities. Additionally, the Panel recommends that EPA consider reasonable compliance timeframes for prohibitions or phase-outs on use of TCE for vapor degreasing and other uses, in response to SER input and other appropriate factors, such as the lifespan of equipment, and capital costs for new equipment. In addition, the Panel recommends that EPA take comment on any additional appropriate factors for identifying reasonable compliance timeframes and how to weigh the factors for vapor degreasing and other industries.
4. The Panel recommends that EPA provide readily available information on potential costs that could be incurred using strategies to meet requirements for any proposed ECEL, such as engineering, administrative, or prescriptive controls (e.g., use of specialized ventilation systems, add-ons to equipment to reduce emissions, cost of new equipment, etc.), as they apply to each relevant COU. The Agency should also provide its analysis on whether it is feasible to implement these strategies for the regulated entities. The Panel further recommends that EPA request public comment in the NPRM about the feasibility of entities complying with and monitoring for a potential ECEL of either 4.0 ppb or 1.1 ppb. Specifically, regarding the public comment request, the panel recommends that EPA aim to obtain more information on potential costs that could be incurred using strategies to meet the requirements of such a standard, such as engineering, administrative, or prescriptive controls and how feasible it would be for entities to implement these strategies in their operations.
5. The Panel recommends that EPA provide details and request public comment in the NPRM about the feasibility of use of alternatives to TCE and their availability for conditions of use that drive the unreasonable risk. Specifically, the Panel recommends that EPA provide, to



the extent practicable, costs for the use of alternatives and information on the hazard profile of the alternatives. The Panel recommends that EPA should ensure that entities, with emphasis on small entities, are provided as much information as is available to the Agency about suitable alternatives for these conditions of use, potentially through the form of information generated as part of the rulemaking process (such as an alternatives assessment). Additionally, the Panel recommends that EPA describe in the NPRM known problems and/or risks with available alternatives including those indicated by the SERs, such as flammability, toxicity, and water limitations due to drought.

6. The Panel recommends that EPA provide an analysis for each use identified by SERs that would be subject to prohibition to demonstrate whether technically and economically feasible alternatives to TCE that benefit health or the environment, compared to the use proposed to be prohibited or restricted, would be reasonably available as a substitute when the proposed prohibition or other restriction takes effect.
7. The Panel recommends that EPA consider and request comment in the NPRM on a training and certification program for a commercial user to obtain a TCE-containing product from a retailer, such as industrial supply stores or online retailers.
8. The Panel recommends that EPA provide an explanation of consideration for providing an exemption under TSCA section 6(g) for the Department of Defense, National Aeronautical and Space Administration, and Federal Aviation Administration-related and aviation uses, such as vapor degreasing for parts in aerospace vehicles. In addition, the Panel recommends that EPA engage, as appropriate, with relevant agencies.
9. The Panel recommends that EPA consider and request public comment in the NPRM on a *de minimis* level in the case of an impurity or trace amounts of TCE in products.
10. The Panel recommends that EPA request comment on whether to allow the use of TCE by entities that could, based on demonstrated ability through monitoring data, meet the ECEL under a workplace chemical protection program.
11. The Panel recommends that EPA discuss the concerns regarding availability of feasible alternatives that could be subject to market forces that may impact availability of alternatives (e.g., certain fluorinated chemicals) or potentially be subject to future EPA regulations. The panel recommends that EPA request public comment on how the rulemaking should consider TCE alternatives in light of ongoing regulatory scrutiny.
12. The panel recommends that EPA's RFA and cost-benefit analyses consider the impact of excluding, as viable alternatives, any chemicals identified by the Agency as part of the TSCA risk evaluation process as presenting an unreasonable risk of injury to health or the environment. The Panel recommends that EPA request comment on whether these chemicals as well as chemicals undergoing risk evaluation would be likely to be considered as viable alternatives and, if so, in which circumstances.
13. The Panel recommends that EPA request public comment in the NPRM on potential challenges associated with monitoring TCE below 4 ppb and 1 ppb.
14. The Panel recommends that EPA request public comment in the NPRM on whether the use of TCE in a closed-loop vapor degreasing system, when combined with requirements of a potential workplace chemical protection program, could meet the ECEs for TCE.

Sincerely,

**WILLIAM  
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**William Nickerson**  
Small Business Advocacy Chair  
Office of Policy  
U.S. Environmental Protection Agency U.S.

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**Dominic J. Mancini**  
Deputy Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget

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Enclosures