American Coatings ASSOCIATION

June 26, 2025

Daniel Whitby
Existing Chemicals Risk Management Division
Office of Pollution Prevention and Toxics
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

Re: Proposed rule regarding laboratory use of methylene chloride
Docket No. EPA-HQ-OPPT-2020-0465

Dear Mr. Whitby:

The American Coatings Association (ACA) is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The Association's membership represents 90% of the U.S. paint and coatings industry, including downstream users (or processors) of chemicals, as well as chemical manufacturers. Our membership includes companies that manufacture paint, coatings, sealants and adhesives and their raw materials, whose manufacturing processes or products may be affected by the outcome of EPA's risk evaluations. ACA is eager to assist EPA in developing an effective system for chemical risk evaluations with successful implementation of the *Lautenberg Act's* mandates.

ACA appreciates the opportunity to submit comments regarding EPA's risk mitigation requirements for methylene chloride. Laboratory use of methylene chloride in the paint and coatings industry poses trace levels to negligible exposure that is adequately mitigated using conventional risk mitigation methods such as fume hoods, required by OSHA. In effect, EPA's currently mandated risk mitigation requirements are unusually burdensome and excessive in the laboratory environment. ACA supports modifying EPA's methylene chloride risk mitigation rule to more accurately reflect the scope and degree of risk mitigation necessary in the laboratory environment by allowing standard laboratory ventilation in lieu of EPA's Workplace Chemical Protection Program (WCPP). ACA also supports the proposed extension of time for compliance, so laboratories may accurately assess exposures and develop a compliance program. EPA will

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also require additional time to reassess an appropriate risk mitigation strategy for laboratories.

ACA and its members respectfully submit the following information and suggestions:

Section 6(a) of TSCA requires EPA develop risk mitigation strategies "*to the extent necessary* to protect adequately so that the chemical substance or mixture no longer presents such risk," (italics added). Companies whose use of methylene chloride may exceed the EPA set ECEL or STEL must comply with a variety of requirements including providing respiratory protection, establishing regulated areas, exposure monitoring, record-keeping, etc. Excessive respiratory protection requirements can interfere with laboratory practices and visibility of small equipment. Depending on type of respiratory protection, it can place additional stress and strain on the body (heart and lung) while reducing worker satisfaction. These detractors may be justified in some instances when requirements clearly mitigate a thoroughly evaluated and clearly defined risk. That is not the case here.

Laboratory use of methylene chloride by the paint and coatings industry is typically limited to small volumes estimated at 15-120 mL per laboratory process, usually used in a titration or extraction. These laboratory processes may occur once a week or a few times a day, usually taking about 5-15 minutes to perform the process. Exposure is minimized by intermittent activity with small amounts. One company reports that the process occurs 6 times a day, at 5 minutes per process. This company also measured exposure during titrations at about half of the EPA action level without use of fume hoods or other engineering controls.

Standard fume hoods are likely to lower exposure to well below the action level. Use of fume hoods is a standard practice and the primary method of exposure control based on 29 CFR 1910.1450 (OSHA laboratory safety standard). Exposure monitoring from one company, using fume hoods during titrations with methylene chloride, resulted in most samples being below the limit of detection. Those samples that could be quantified had results below .1 ppm, well below the EPA action level of 1 ppm. Clearly, fume hoods provide effective risk mitigation, without the excessive requirements of EPA's WCPP.

ACA strongly recommends amending the methylene chloride risk mitigation rule to allow standard laboratory ventilation devices, as described in the OSHA laboratory standard (29 CFR 1910.1450), in lieu of compliance with the current WCPP. EPA has established precedence for this approach in its risk mitigation rule for perchloroethylene, requiring:

> . . . owners or operators must ensure laboratory ventilation devices such as fume hoods or glove boxes are in use and functioning properly and that specific measures are taken to ensure proper and adequate performance of such equipment to minimize exposures to potentially exposed persons in the area when PCE is used in a laboratory setting.
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> (40 CFR 751.609 – *Workplace requirements for laboratory use*)

ACA appreciates the opportunity to provide this comment. Please feel free to contact me if I can provide any additional information.

Sincerely,

Riaz Zaman

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American Coatings Association

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