



October 29, 2025

Andrew Levinson
OSHA Directorate of Standards and Guidance
200 Constitution Avenue NW
Washington, DC 20210

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Dear Mr. Levinson,

The American Chemistry Council (ACC)¹ appreciates the opportunity to provide comment on the proposed changes by the U.S. Occupational Safety and Health Administration (OSHA) to the substance-specific standards (Vinyl Chloride, Inorganic Arsenic, Methylene Chloride, Lead, Formaldehyde, Acrylonitrile, Asbestos, 1,3-Butadiene, Ethylene Oxide, 13 Carcinogens, 1,2-dibromo-3-chloropropane, Benzene, Methylenedianiline, Cadmium, Cotton Dust, Coke Oven Emissions) (hereafter referred to as 'substance-specific standards'). Many of our member companies either manufacture the aforementioned substances or use them as an intermediate in the production of other substances and products. Our member companies are therefore responsible for complying with the substance-specific standards as appropriate, giving us a vested interest in changes to these regulations.

ACC and our members are committed to advancing safety and sustainability in the communities where we operate and in the products we manufacture. Through implementation of the Responsible Care[®] program, our members demonstrate their commitment to the health and safety of their employees, the communities in which they operate, and the environment as a whole. For over a decade, Responsible Care companies have annually averaged less than one recordable injury or illness per 100 employees, a lower rate than manufacturing, retail, agriculture, food stores, and general merchandising. We are proud that, for the second year in a row, ACC members have reported a record low Total Recordable Injury and Illness Rate (TRIR). Since 2017, our members have reduced TRIR by more than 24%².

¹ The American Chemistry Council (ACC) represents the leading companies engaged in the multibillion-dollar business of chemistry. ACC members apply the science of chemistry to make innovative products, technologies, and services that make people's lives better, healthier, and safer. ACC is committed to improved environmental, health, safety, and security performance through Responsible Care[®]; common sense advocacy addressing major public policy issues; and health and environmental research and product testing. ACC members and chemistry companies are among the largest investors in research and development, and are advancing products, processes, and technologies to address climate change, enhance air and water quality, and progress toward a more sustainable, circular economy.

² <https://www.americanchemistry.com/chemistry-in-america/news-trends/press-release/2025/responsible-care-R-companies-achieve-trifecta-of-record-safety-performance>

ACC generally supports OSHA's proposed changes to the substance-specific standards, as the revised standards acknowledge advances in respiratory protection and other personal protective technology and provide more flexibility to employers and employees while still maintaining worker protection. However, we are concerned that changes to these standards may conflict with the U.S. Environmental Protection Agency's (EPA) Risk Management rules promulgated under the Toxic Substances Control Act (TSCA). We urge OSHA and EPA to develop robust consultation procedures where standards may be overlapping or duplicative. In particular, as EPA develops new or revises existing TSCA Risk Management rules, EPA should first rely on existing OSHA regulations and harmonize any new TSCA risk management requirements with OSHA regulatory frameworks, to the extent practicable.

1. ACC supports OSHA's intention to remove duplicative references within the substance-specific standards and reference the existing Respiratory Protection Standard.

As OSHA notes in the preambles of the proposed rules, the initial Respiratory Protection Standard was promulgated in 1971 and later revised in both 1998 and 2006. In contrast, the substance-specific standards, except for Formaldehyde, have not been updated since their promulgation between 1971 and 1997. At the time of promulgation of the substance-specific standards, it was reasonable for OSHA to specify particular respirators for particular chemicals in order to adequately protect workers from the hazards of those chemicals.

However, the revision of the Respiratory Protection Standard, particularly the 2006 revision to add definitions and requirements for Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs) to the Respiratory Protection Standard, make such a prescriptive approach unnecessary. OSHA's approach under the Respiratory Protection Standard promotes a performance-based approach to respiratory protection, allowing employers to evaluate the hazards to which employees may be exposed and choose a respirator or respirator(s) that are appropriate to mitigating the potential hazards. ACC believes that the existing, performance-based Respiratory Protection Standard provides employers with a 'building block approach' that provides adequate protection along with needed flexibility for both employers and employees. OSHA is therefore correct to remove the prescriptive and duplicative requirements within the substance-specific standards and replace them with a reference to the existing Respiratory Protection Standard.

2. OSHA should remove requirements for specific schedule changes for filter cartridges and canisters and replace them with a reference to the Respiratory Protection Standard.

OSHA's proposed changes to the substance-specific standards are also consistent with improvements in technology for respiratory protection equipment. It has been nearly 30 years since the promulgation of the most recent substance-specific standard (Methylene Chloride, promulgated 1997); since that time, there have been significant improvements in both our understanding of how to protect workers from respiratory hazards, as well as the technology behind respirators. OSHA recognized these advances in its updates to the Respiratory Protection Standard in 1998 and 2006. NIOSH, too, has updated its standards as needed to acknowledge technological improvements. OSHA explicitly acknowledges this in some of the substance-specific standards – for example, OSHA notes in the preamble to the proposed Methylenedianiline standard that NIOSH has published revised requirements for testing and certification procedures for some respirators, noting that additional types of filters have been certified for protection from particulates.³

³ Methylenedianiline. 90 Fed. Reg. 28327 – 28329. (Jul. 1 2025) (to be codified at 29 CFR 1910.1050)

As a performance-based standard, the Respiratory Protection Standard necessarily allows for updates in personal protective equipment technology to be recognized and adopted by employers. This includes not only new respirator types and respirators with different fits, but also improvements in canister and cartridge filter technology used to protect workers who use air-purifying respirators. It is therefore appropriate that OSHA revise the substance-specific regulations to remove prescriptive changeout schedules and replace them with a reference to the general Respiratory Protection standard.

As an example, consider the Formaldehyde standard changeout schedule (29 CFR 1910.1048) with the Respiratory Protection standard (29 CFR 1910.134):

“When employees use air-purifying respirators with chemicals cartridges or canisters that do not contain end-of-service-life indicators approved by the National Institute for Occupational Safety and Health, employers must replace these cartridges or canisters as specified by paragraphs (d)(3)(iii)(B)(1) and (B)(2) of 29 CFR 1910.134, or at the end of the work shift, **whichever comes first** [emphasis added].⁴”

“If there is no ESLI appropriate for conditions in the employer’s workplace, the employer implements a change schedule for canisters and cartridges that is based on objective information or data that will ensure that canisters and cartridges are changed before the end of their service life. The employer shall describe in the respirator program the information and data relied upon and the basis for the canister and cartridge change schedule and the basis for reliance on the data.⁵”

Depending upon the conditions at the facility, requiring cartridges to be changed at the end of every shift may be overly protective. For example, one ACC member calculated that cartridge change out may only be necessary every 25 to 100 hours, depending on the temperature, humidity, and formaldehyde levels at their facilities and service life calculators provided by respirator manufacturers – meaning that a change in cartridge would only be necessary every 3rd or 12th shift. A direct reference to 1910.134(d)(3)(iii)(B)(2) would allow the employer to move from replacing respirator cartridges at the end of every shift to the end of every third shift, at minimum.

In addition to being more reflective of actual conditions to which employees are exposed, the cost savings here are potentially significant. Take again the Formaldehyde example above. Assume an employer with 50 employees who require air-purifying respirators, running three 8-hour shifts per day. Under the existing Formaldehyde standard, the employer would be required to replace the cartridges in the respirators three times per day at the end of each shift. With an average cost of \$20 to \$40 per cartridge replacement⁶, the employer would be spending \$3,000-\$6,000 per day on

⁴ 29 CFR 1910.148(g)(2)(ii)

⁵ 29 CFR 1910.134(d)(3)(iii)(B)(2)

⁶ <https://www.amazon.com/3M-60925-formaldehyde-Particulate-Cartridge/dp/B000LDHTYG>;
https://www.americanindustrialsafety.com/3M-6005-Formaldehyde-Organic-Respirator-Cartridge-p/ais-6005.htm?srsId=AfmBOood_JosqZ2ZJrKcWSbyH8x2CHmmbRkDsqXLxwilkTddwzRuXwHo;
https://www.uline.com/Product/Detail/S-20004/3M-Reusable-Respirators/3M-60925-Formaldehyde-Organic-Vapor-Cartridge-Filter-Combo-P100?pricode=WB1220&gadtype=pla&id=S-20004&gad_source=1&gad_campaignid=21828747763&gbraid=0AAAAAD_uetP8uo8o2DogVWWoJy9S2rZ0D&gclid=Cj0KCQjw5JXFBhCrARIsAL1ckPut2c3HjEPNuuOXlvMI29YgZELkmTCRTLhqM9IJFB1Us1Jb-Tbrx20aArw1EALw_wcB;
https://www.uline.com/Product/Detail/S-20005/3M-Reusable-Respirators/3M-6005-Formaldehyde-Organic-Vapor-Cartridge?pricode=WB0604&gadtype=pla&id=S-20005&gad_source=1&gad_campaignid=21828747763&gbraid=0AAAAAD_uetP8uo8o2DogVWWoJy9S2rZ0D&gclid=Cj0KCQjw5JXFBhCrARIsAL1ckPtdYG08vobs10BH--_kSq-tVX92A0xFSFfruOnWyn75q8LP0F1no24aApV8EALw_wcB

cartridge replacements alone – a total cost of over \$1,000,000 per year on the low end. If instead, employers calculated those cartridges only needed to be changed every 25 hours (3 shifts), the cost per year to supply respirator cartridges drops to between \$365,000 to \$730,000. Over time, these changes represent significant savings for the employer, with no decline in protection for the employee.

OSHA should therefore also remove specific canister and cartridge changeout schedules under all the substance-specific standards and replace with a reference to the general Respiratory Protection Standard. This change would provide employers with more flexibility, potential additional cost savings, and do so without loss of protection to employees.

3. OSHA must coordinate with other agencies when making changes to standards that are specifically referenced by those agencies to prevent unnecessary confusion.

a. OSHA proposes to delete 1910.1052(g)(3)(i), which is directly referenced by EPA in the final Methylene Chloride TSCA Risk Management Rule.

In the preamble to the OSHA Methylene Chloride NPRM, OSHA states that:

“OSHA is proposing to remove the requirement under paragraph (g)(3)(i) for employers to provide employees with full-face respiratory protection because methylene chloride may cause eye irritation or damage...”⁷

As stated above, ACC supports the changes that OSHA proposes in the Methylene Chloride and other substance-specific standards that allow employers to ensure worker protection while also providing more flexibility in compliance. However, OSHA’s proposal to delete 1910.1052(g)(3)(i) is in direct conflict with EPA’s TSCA Risk Management Rule for Methylene Chloride, which specifies “the type of respiratory protection that regulated entities must select and provide to potentially exposed persons in accordance with 29 CFR 1910.1052(g)(3)(i)...”⁸

For employers who manufacture or utilize methylene chloride in such a way that they are subject to both the OSHA standard and the EPA regulation, OSHA’s proposal leaves them in a difficult position. Employers will be significantly limited in their compliance options under the EPA TSCA Risk Management rule if OSHA deletes this citation.

It is possible that this issue will be repeated with other substance-specific standards. EPA has already begun and in some cases, completed the risk evaluation and risk management process under TSCA for some chemicals covered by the substance-specific standards (Asbestos, Methylene Chloride, 1,3-Butadiene, Formaldehyde)⁹. In addition, several chemicals with a substance-specific standard under OSHA have been designated as High-Priority Substances under TSCA, meaning they are in the queue for risk evaluation and possible risk management (Acrylonitrile, Vinyl Chloride, Benzene)¹⁰. If OSHA does not finalize these substance-specific proposals before EPA issues its risk management rules, EPA could promulgate a regulation relying on specific requirements from OSHA, only for those requirements to be subsequently removed.

⁷ Methylene Chloride. 90 Fed. Reg. 28274 (July 1, 2025) (to be codified at 29 CFR 1910.1052).

⁸ 40 CFR §751.109(f)(2)

⁹ <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/ongoing-and-completed-chemical-risk-evaluations-under>

¹⁰ <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/prioritization-actions-under-tsca>

More broadly, OSHA's proposed changes to the Methylene Chloride standard demonstrate the need for EPA and OSHA to establish a consistent, robust process for coordination to avoid conflict between TSCA regulations and OSHA regulations. It is ACC's position that EPA's starting point with any potential risk management regulation for occupational conditions of use should be the OSHA standards, including the substance-specific standards. Such an approach would eliminate unnecessary burdens on regulated industry and eliminate costs caused by misalignment and confusion. We have continually expressed to EPA that such coordination is needed; we incorporate these comments by reference here for OSHA's benefit as well.¹¹

We recognize that OSHA and EPA have entered a Memorandum of Understanding (MOU) to address issues that may arise from EPA's actions under TSCA section 6. The MOU notes that OSHA and EPA intended to establish procedures for recurring updates, including that the OSHA point of contact 'provide updates on OSHA's activities related to chemicals that are subject to TSCA section 6 prioritization, risk evaluation, or risk management efforts'.¹² We urge OSHA to include changes to its substance-specific standards in future updates to the EPA point of contact, to solicit input from EPA on these proposed changes currently open for comment, and to establish new procedures as needed to ensure EPA is aware of changes to OSHA standards that may impact EPA's assessment and management of unreasonable risk in the workplace. We further urge OSHA and EPA to establish a process for informing and assessing if updates to each Agency's regulations will impact the other.

It is critical that OSHA and EPA work together to prevent unnecessary duplication and complexity for employers who are responsible for understanding and complying with substance-specific regulations.

ACC appreciates the opportunity to comment on OSHA's proposed changes to the substance-specific standards. Should you have additional questions, I can be reached at 202-249-6729 or at Rebecca_odonnell@americanchemistry.com.

Sincerely,



Rebecca O'Donnell
Associate Director, Process Safety & Occupational Health

¹¹ See ACC Comments to the Docket on Asbestos Part 1, Methylene Chloride, Perchloroethylene TSCA Risk Management Rules

¹² Memorandum of Understanding between the U.S. Environmental Protection Agency Office of Chemical Safety and Pollution Prevention Office of Enforcement and Compliance Assurance and the U.S. Department of Labor Occupational Safety and Health Administration, December 2024.

<https://www.epa.gov/system/files/documents/2025-01/epa-and-osha-tsca-section-6-mou.pdf>