

COMMENTS ON EPA'S PROPOSED PERCHLOROETHYLENE AND CARBON
TETRACHLORIDE REGULATION UNDER THE TOXIC SUBSTANCES CONTROL ACT:
COMPLIANCE DATE EXTENSIONS

Docket ID: EPA-HQ-OPPT-2026-0992

April 27, 2026

The AFL-CIO, the federation of 65 national and international labor unions representing 12.5 million working people across a wide variety of industries, submits these comments, with support from many of our affiliated unions.

For the reasons explained below, we oppose EPA's proposal to delay the compliance dates for the Worker Chemical Protection Plan (WCPP) provisions of the perchloroethylene (PCE) and carbon tetrachloride (CTC) risk management rules. It is the workers—our affiliated members—whom these provisions are intended to protect and thus, the workers who are most at risk from continued exposure to these toxic substances that EPA has found to pose unreasonable risks to their health. In explaining the basis for this proposal, EPA has not pointed to anything that would justify an across-the-board postponement of these important risk management provisions. Moreover, even if this rulemaking reveals a sound justification for suspending the compliance dates for *some* WCPP provisions, for *some* conditions of use, for one or both of these substances—something the record currently lacks—we strenuously oppose any delay in implementing initial monitoring. Monitoring results would supply the affected industries with necessary data for devising their exposure control plans and EPA with invaluable information if it determines to go forward with developing proposals to modify these rules.

Finally, although we do not believe there is reason to reconsider the substantive provisions of these risk management rules, if EPA is determined to do so, we urge the Agency, before formulating a proposed new rule, to conduct substantive meetings with all stakeholders,

including unions, to ensure that it most appropriately aligns any revisions with the best practices for protecting workers against PCE and CTC’s unreasonable risks.

I. Delaying the Compliance Dates for PCE and CTC’s WCPPs Would Violate TSCA’s Mandate that EPA Implement Risk Management Rules “As Soon As Practicable.”

TSCA requires EPA to implement each element of a risk management rule “as soon as practicable” after finding that exposure to a toxic substance poses an unreasonable risk. 15 U.S.C. § 2605(c). EPA adopted the PCE and TCE Rules in 2024. In explaining the basis for these delay proposals, EPA has not cited any references that would support the conclusion that the current compliance deadlines are not “practicable.”

In fact, EPA cites nothing that would support delaying the compliance dates for *PCE*’s WCPP. The only comments EPA references concern *CTC*, and relate only to *CTC manufacturing*, not all *CTC*’s conditions of use. Nothing in those comments suggests that all users of PCE and CTC are unable to implement the existing risk management rules within the deadlines EPA has set. If anything, they suggest only the inconvenience of complying with these and other, overlapping (but not necessarily inconsistent) risk management rules—hardly a reasonable basis for leaving workers unprotected. *See* 91 Fed.Reg. 14790, 14793 (March 27, 2026).

EPA’s original justification for setting different compliance dates for the public sector and federal entities was that “federal agencies and their contractors would need additional time to comply due to federal procurement requirements.” *Id.* at 14793. EPA has given no reason why the compliance dates should now be delayed.

Even if the record reveals that some delay is warranted, more surgical regulatory action is necessary to protect workers. The comments EPA cites to support the proposed delay simply do

not justify postponing implementation of all elements of the WCPP across all uses. As noted, EPA has pointed to nothing that would support any delay for compliance with the PCE rule, nothing that would justify delaying compliance for all of CTC's conditions of use and as we explain in the next section, no basis for delaying compliance for all WCPP requirements.

II. Timely Initial Monitoring is Critically Important.

EPA's proposal to delay the WCPP's initial monitoring requirements is particularly troubling. This information is critical for owner/operators to understand the exposures they need to address in developing their workplace exposure plans. Moreover, although EPA has announced its intent to reconsider both the PCE and CTC WCPP provisions, the Agency is operating in an information vacuum. Initial monitoring results would inform EPA's reconsideration, give the Agency a clear picture of the exposure levels that currently exist and the technologies that industries have implemented to achieve those levels. This information would allow EPA to make reasonable predictions about the ability of the various affected industries to implement protective controls across uses.

Delaying implementation of the monitoring requirements of the WCPP would deprive EPA of the "the best available science" for determining what exposure levels can be achieved, by what technology, and which uses or operations generate high, short-term exposures, for which it may be necessary for EPA to establish short-term exposure limits (STELs).

EPA has not pointed to any justification for delaying implementation of this aspect of the WCPP. In fact, NIOSH has made clear that analytic methods are available to measure the ECEL for both PCE and CTC. (Copies of NIOSH's letters to EPA's docket are attached). Thus, any concerns EPA may have about the difficulty of monitoring for PCE and CTC are directly addressed and alleviated by the administrative record.

EPA has pointed to industry comments alleging there currently are no methods for directly measuring short-term tasks with high CTC exposure in the field. The CTC rule currently calls only for time-weighted measurements, not short-term measurements, so a lack of direct measurement equipment for short-term tasks in no way affects the ability of an owner/operator to meet the CTC rule. And none of this has any bearing on an owner/operator's ability to meet the PCE rule.

Besides, the argument that the ECEL must be adjusted because industry lacks the ability to measure short-term exposures presupposes that there are workplaces where the only sources of CTC exposure are those generated by short-term tasks. The initial monitoring data the WCPP requires is necessary to confirm that assumption. Proceeding without such data would be arbitrary. Thus, any delay in requiring compliance with the monitoring provisions of the WCPP must be strictly limited to owner/operators that demonstrate that their only workplace exposures occur for 15 minutes or less, that no background exposure to CTC exists at the workplace and that there is no currently-available method to provide representative data that reflects the nature of CTC exposure for those short-term tasks.

III. Dialogue with Unions Is Essential for a Reasonable Worker Protection Regime.

EPA has announced its intention to reconsider the PCE and CTC risk management rules. Before it formulates a formal proposal, we urge EPA to reach out to us for a dialogue on whether and, if so, how to do so. The principal role of unions is to protect their members' wages and working conditions by engaging in bargaining. After decades investigating health and safety conditions in workplaces, having hands-on involvement with the development and implementation of Occupational Safety and Health Administration (OSHA) regulation of workplace exposures to toxicants, and bargaining on behalf of our members, we have critical

information and experience that other stakeholders lack about occupational exposure and health issues, OSHA regulation and enforcement of these issues and NIOSH analytic methods necessary to measure occupational exposure. Therefore, we are in a unique position to provide EPA with an understanding of the hazards that chemicals such as CTC and PCE pose in this country's workplaces and the proven methods for controlling those exposures, and to help EPA revise, if necessary, its PCE and CTC risk management rules.

As one example, the American Chemistry Council has suggested that EPA adopt a short-term exposure limit (STEL) for CTC. In earlier comments, the unions also suggested that EPA adopt a STEL—coupled with an ECEL—for CTC, and urged that EPA set the STEL below the highest level at which no acute neurotoxic effects (which appear to be the most sensitive endpoint) in humans have been found, with a safety (uncertainty) factor. The question of whether EPA should establish a STEL in addition to, or instead of, an ECEL and the level at which it should be set to eliminate unreasonable risk are topics for which dialogue among interested stakeholders is important.

The unions urge EPA to initiate dialogues with both affected industries **and unions** to address any real, documented impediments to implementing risk management for CTC, PCE, or other chemicals.