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August 1, 2022

Dr. Michal Freedhoff

Assistant Administrator for the Office of Chemical Safety and Pollution
Prevention

U.S. Environmental Protection Agency

1200 Pennsylvania Ave. NW

Washington, DC 20460

**Re: Risk Evaluations for Chemical Substances; Perchloroethylene (PCE);
Draft Revision to Toxic Substances Control Act (TSCA) Risk
Determination; Notice of Availability and Request for Comment; Docket ID:
EPA-HQ-OPPT-2016-0732**

Dear Assistant Administrator Freedhoff:

The AFL-CIO is a federation of 57 national and international unions and we represent more than 12.5 million working people in their workplaces. Our unions represent workers in a broad range of industries including manufacturing, construction, first responders, education, transportation, utilities, and others; in private and public sectors; in stationary and mobile workplaces. Our members work side-by-side with millions of non-unionized workers. We, along with our affiliate unions, have been actively engaged in the implementation of the 2016 Frank R. Lautenberg Chemical Safety for the 21st Century Act and have commented on previous scoping, risk evaluation and risk management documents for the first ten priority chemicals.

The AFL-CIO strongly supports EPA's decision to revise the risk evaluation for perchloroethylene (PERC). The revised risk evaluation corrects two significant errors in the previous risk evaluation and EPA should move quickly to finalize the revised risk determination and move to management of the unreasonable risks posed by PERC.

We strongly support EPA's decision to follow longstanding occupational risk evaluation practices by not including assumptions of widespread PPE use in

making a risk determination for PERC. EPA's earlier policy assumed widespread use of PPE and reduced measured exposure levels by the assigned protection factor of the PPE. This policy was inconsistent with longstanding OSHA regulations and incompatible with well-established industrial hygiene principles. OSHA and NIOSH strongly urged EPA to abandon this erroneous assumption in making a risk determination and we commend the agency for following occupational safety and health expertise when evaluating occupational risk.

Labor and other groups have previously commented at length on why exposures should be measured without regard to PPE; why OSHA regulations do not apply at the exposure levels EPA has determined pose unreasonable risks; and why EPA should consider PPE use, if at all, only during risk management and only consistent with the hierarchy of controls. Further supporting our past comments and EPA's revised risk evaluation, is the 2022 publication by the National Academy of Sciences, Medicine and Engineering (NAS) Frameworks for Protecting Workers and the Public from Inhalation Hazards. The NAS committee reported the vast majority of workplaces do not have a respiratory protection program, with a rough estimate that only 3.3 percent of American workers are protected by a respiratory protection program issued under OSHA standards. Our comments on the revised risk determinations for HBCD and methylene chloride detail our objections to the old assumptions and explain why the revised risk determination accurately reflects the risks workers face. As these comments are relevant to risk determination for all chemicals EPA evaluates, we ask that EPA incorporate those comments by reference into the docket for PERC.

We also believe that EPA's decision to make a risk determination for the "whole chemical" PERC is more consistent with the statutory text of TSCA and serves to better protect workers equitably. All workers exposed to a chemical at an exposure level EPA has determined pose unreasonable risks should be protected through risk management regulations. Under the "use-by-use" policy EPA had previously relied upon, workers with similar exposures but working in different "conditions of use" might not receive equivalent protections from risk management rules. The new "whole chemical" risk determination ensures that all workers exposed to unreasonable risks from PERC can be provided equivalent protections under TSCA.

In conclusion, we strongly support EPA's decision to determine risk without using assumptions on the use of PPE and using a whole chemical approach. The agency should move quickly to finalize the revised risk determinations and to propose strong risk management rules that protect workers from the unreasonable risks from exposure to PERC.

Sincerely,



MK Fletcher, MSPH



Rebecca L. Reindel, MS, MPH